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ABSTRACT

This report identifies the special measures needed to protect the rights and meet the needs of victims of a large-scale terrorist attack involving mass casualties. In particular, it demonstrates efforts required to ensure an effective response to victims' rights and their short- and long-term emotional and psychological needs as an integral part of a comprehensive response to terrorism cases involving mass casualties. The report is based upon the experiences of the Office for Victims of Crime (OVC) in working with victims and providing resources for assistance. The report begins with background information addressing the victims' needs that emerged during the immediate crisis of the Oklahoma City bombing, the postcrisis victim needs after the immediate crisis was dealt with, victims' needs during the criminal justice process, and the long-term victim needs that developed over time. These sections are followed by a discussion of the laws that require victims' rights and services to be part of any crisis response plan. The final sections identify the lessons learned as a result of the Oklahoma City bombing and the other terrorism events that followed it and present policy recommendations that promote future preparedness. (Contains 17 references.) (GCP)

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Responding to Terrorism Victims

Oklahoma City and Beyond

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Responding to Terrorism Victims

Oklahoma City and Beyond

October 2000
NCJ 183949

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About the Cover

The missing presence of the 168 killed in the Alfred P. Murrah Building bombing is marked by 168 chairs in a memorial park where the building once stood. Although the chairs are similar in overall appearance, each was individually handcrafted so no two chairs are exactly alike, and each is etched with the name of a victim who was killed. Some chairs are small, representing the children who died. The seat backs were cast from molten bronze and sit on bases made of glass. The glass bases house lighting mechanisms so that the chairs glow at night.

Photo courtesy of the Oklahoma City National Memorial Foundation.

Message From the Director

Every violent crime has a significant and long-lasting impact on surviving victims and families of victims. Acts of terrorism resulting in mass casualties have a wide and traumatic impact on communities and nations. Indeed, that impact is the primary goal of terrorists. In recent years, it has become clear that United States citizens are not immune from these crimes, either at home or outside the borders of this country.

The 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City literally brought home the impact of terrorism for Americans. Individuals and agencies responded in extraordinary ways in the aftermath of the bombing and throughout the criminal trials. No model was in place, however, to guide them in how to respond to and what to expect from victims of terrorism. Their response has since set a standard for others to follow in responding to victims of future terrorist events including the bombing of the military barracks at Khobar Towers in 1996 and the bombings of two United States embassies in Kenya and Tanzania in 1998. In addition, the preparations for the Oklahoma City bombing trial phase helped to anticipate the complex issues that developed with the 1999 trial preparations for the two Libyan suspects in the 1988 bombing of Pan Am Flight 103. The Office for Victims of Crime (OVC) has marshaled resources and creatively used new technologies to ensure that families of the 270 victims have information and assistance throughout the trial process.

The potential numbers of victims and the consequences of terrorist events present significant challenges and require an extraordinary response from public safety and law enforcement agencies. Experience has taught us that the physical, emotional, and psychological impact on victims and communities persists long after the immediate crisis has been handled. Preparing for acts of mass violence has become an important priority for federal, state, and local officials, and ongoing efforts to develop comprehensive response plans among agencies are occurring at all levels of government. The needs of victims and their families, beginning with the immediate crisis and continuing through the criminal justice process and beyond, must be incorporated into the planning process.

Each act of terrorism presents unique challenges that are specific to the victims, the event itself, and the progress of the criminal investigation and prosecution. Providing services to the victims of each terrorism event teaches additional and important lessons for responding to future events and expands our base of knowledge for serving victims more effectively. *Responding to Terrorism Victims: Oklahoma City and Beyond* attempts to summarize those lessons and to recommend plans for responding to the needs of terrorism victims. This report focuses primarily on how criminal justice agencies and victim assistance professionals can assist victims of terrorism and on how the roles and responsibilities of these agencies and individuals fit into the overall response to victims.

A number of individuals involved in the provision of services to the Oklahoma City bombing victims contributed their insights and experiences to this report in addition to OVC staff, who have been directly involved in working with victims of other acts of terrorism. Underlying their insights and efforts have been the voices of the surviving victims and families of the victims of Oklahoma City, Khobar Towers, the embassy bombings, and Pan Am Flight 103. These victims have honored us by sharing their experiences of coping with the aftermath of the crimes that devastated their lives. In turn, we can honor them by ensuring that our communities are adequately prepared to respond effectively to terrorism victims in the future.

Kathryn M. Turman
Director

Acknowledgments

Improving the response to terrorism victims is a work in progress. The foundation was laid by the dedicated and resourceful individuals who responded to the victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Their extraordinary work on behalf of victims and victims' families in Oklahoma City and Denver set a standard for other cases that followed and for future terrorist events. The Office for Victims of Crime is deeply grateful to them for sharing their experiences through countless hours of interviews for the development of this report. We take this opportunity to honor them for their remarkable service to the victims of the Oklahoma City bombing and to recognize the impact their efforts will have on the response to victims in the future.

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Several individuals were instrumental in the development of this report. Janet Dinsmore, writer and editor, conducted the interviews and organized the story of the Oklahoma City victim response. Her efforts were supported and guided by OVC Deputy Director Carolyn Hightower and OVC Program Manager Laura Federline, who was responsible for overseeing OVC funding to the various agencies providing services to the bombing victims.

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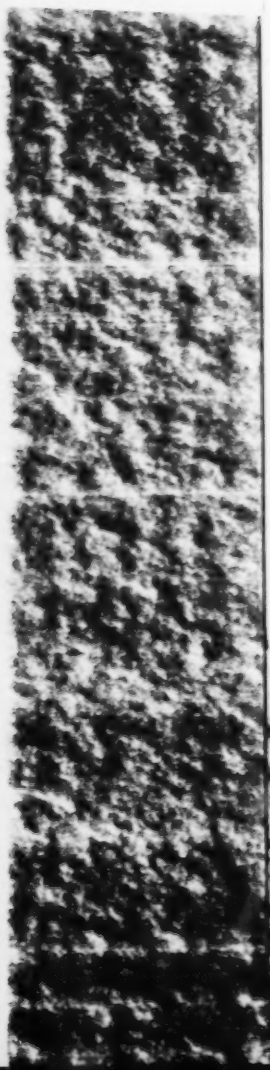


Executive Summary

The April 19, 1995, bombing of the Alfred P. Murrah Federal Building (Murrah Building) in Oklahoma City sent shock waves throughout America. This event was the most devastating incident of domestic terrorism in our Nation's history. The shock of this terrorist act was magnified by its location—the very center of our country. "This is the place, after all, where terrorists don't venture. The Heartland. Wednesday [April 19] changed everything" (*The Daily Oklahoman*, April 20, 1995). The effect of the bombing was far reaching—extending well beyond the borders of Oklahoma. It created mass casualties and injuries, affecting not only the immediate victims, survivors, and the Oklahoma City community but also the entire Nation.

In recent years, the Federal Government has been called upon to play a larger role in mitigating and responding to all types of human-caused violent events and disasters. The federal responsibility ranges from immediate disaster relief to long-term assistance that helps communities to recover from the event. Moreover, because terrorist acts are federal crimes, investigated and prosecuted by federal law enforcement officials, federal criminal justice agencies have statutory responsibilities related to victims' rights and services in connection with terrorism criminal cases. This range of responsibilities raises the issue of the Federal Government's preparedness to respond to acts of terrorism and the resulting emotional and psychological impacts. Lessons learned from the Oklahoma City bombing response provide a foundation for recommendations to improve planning for services to victims of terrorism in the future, keeping in mind that planning must be flexible to meet the unique circumstances involved in each incident. For example, the demands to provide services to victims overseas or to victims who are not from the location of the criminal event pose different challenges from those raised by the Oklahoma City bombing. Analysis of the Oklahoma City bombing and other large terrorism events the Federal Government has responded to over the years reveals a consistent progression of victim assistance challenges for federal agencies with responsibilities in those situations:

1. The immediate crisis must be handled.
2. Postcrisis victim needs must be met.
3. Victims' rights and services must be provided during any criminal justice process.
4. Long-term victim needs must be recognized and provided for as they emerge over time.

This report identifies the special measures needed to protect the rights and meet the needs of victims of a large-scale terrorist attack involving mass casualties. In particular, it demonstrates efforts required to ensure an effective response to victims' rights and their short- and long-term emotional and psychological needs as an integral part of a comprehensive response to terrorism cases involving mass casualties. This report does not attempt to portray a complete picture of everything that was done for the victims, and the recommendations are not intended to present a comprehensive plan for addressing the needs of victims. It is a place to begin, based upon the experiences of OVC in working with victims and providing resources for assistance.

The primary sources for the information and recommendations presented in this report are interviews and meetings with victims and staff of the following organizations that were supported by grants from the Office for Victims of Crime (OVC) Emergency Reserve Fund:

- *United States Attorney's Office for the Western District of Oklahoma*: The Federal Government office responsible for prosecuting the case and ensuring the provision of victims'

rights and services as outlined in federal law and the 1995 *Attorney General Guidelines for Victim and Witness Assistance*. The efforts of the Western District were later supplemented by the U.S. Attorney's Office for the District of Colorado. The Victim-Witness Assistance Unit in the U.S. Attorney's Office for the Western District of Oklahoma worked with the prosecution team in both locations to establish policies and procedures for the trials.

- *Project Heartland, Oklahoma City:* An organization established by the Oklahoma Department of Mental Health and Substance Abuse Services to coordinate and deliver mental health services for bombing victims.
- *Colorado Oklahoma Resource Council, Denver:* A broad-based public-private coalition that coordinated services for victims throughout the trials in Denver.
- *Critical Incident Workshop Group, Inc., Oklahoma:* An organization created to provide therapeutic debriefing sessions for families of deceased bombing victims, survivors, and rescue-and-recovery workers.

"Crime is a shattering experience. . . . It can destroy a person's sense of safety and security. Of paramount importance to crime victims and witnesses is their treatment by criminal justice personnel, who should care about their suffering, enforce their rights and protections, offer support to help them heal, and hold the criminal accountable for the harm caused."

—Attorney General Janet Reno

- *Oklahoma State Crime Victim Compensation Program:* A state agency that provided financial assistance with funding support from OVC to crime victims for crime-related expenses such as funeral costs, medical and mental health expenses, and lost wages.

Policy recommendations from the above groups, in some cases, were broadened to incorporate OVC's experience working with terrorism victims including those from the Khobar Towers bombing in 1996, the bombing of the United States embassies in Kenya and Tanzania in 1998, and the Pan Am Flight 103 bombing for the trial that began in May 2000.

These recommendations are addressed to those who are responsible for victim assistance reforms, including criminal justice policymakers in the executive and judicial branches of the Federal Government, state legislators, and city and county administrators. The report should also prove valuable to prosecutors, law enforcement officials, victim advocates, mental health providers, and all others involved in victim-witness assistance efforts. Its attention to the importance of preplanning and coordination among responding agencies has implications for any agency committed to serving the needs of crime victims.

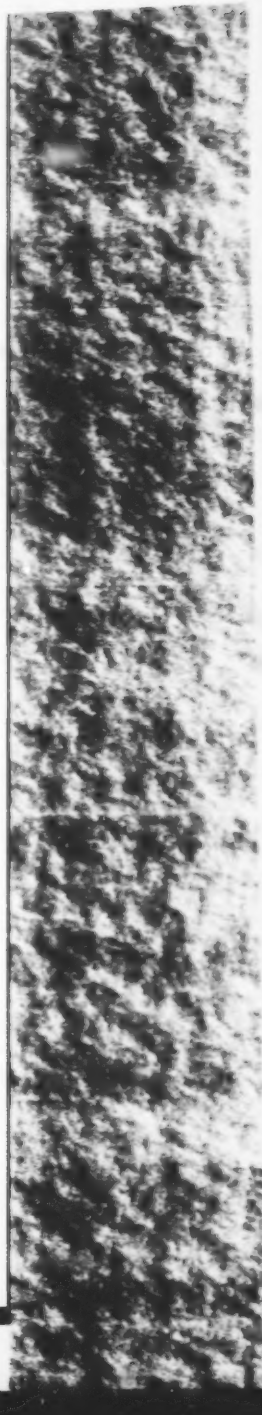
The report begins with background information addressing the victims' needs that emerged during the immediate crisis of the Oklahoma City bombing, the postcrisis victim needs after the immediate crisis was dealt with, victims' needs during the criminal justice process, and the long-term victim needs that developed over time. These sections are followed by a discussion of the laws that require victims' rights and services to be a part of any crisis response plan. The final sections identify the lessons learned as a result of the Oklahoma City bombing and the other terrorism events that followed it and present policy recommendations that promote future preparedness. All of these criminal events have raised the following questions:

- What are the needs of the victims, the first responders, and others who come into contact with the victims and/or the first responders (e.g., prosecutors, mental health professionals, and family members of the first responders)?
- What are the legal requirements for responding to victims of terrorism?
- What are the chief obstacles to meeting victims' needs (e.g., privacy issues versus the

need for victim contact information regarding the criminal justice process, change of venue, and victim services)?

- What are the unique needs of terrorism victims abroad as identified in the Khobar Towers and East Africa bombings and trial assistance for the Pan Am Flight 103 families?

Based on the recommendations that form these last sections, OVC hopes that public officials will be better informed and able to develop more effective procedures for responding to future acts of terrorism.



Chapter 1

Bombing of the Alfred P. Murrah Federal Building

> *"The bombing in Oklahoma City was an attack on innocent children and defenseless citizens. It was an act of cowardice, and it was evil."*
>
> —*President Bill Clinton*

The bombing of the Murrah Building took its toll in human life and property damage and changed the community's and the Nation's general sense of safety and security. The blast killed 167 men, women, and children and injured 853 others (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998). A volunteer nurse became the 168th fatality when falling debris struck her as she responded to the emergency. The explosion rocked downtown Oklahoma City, reduced the north face of the Murrah Building to rubble, and dealt extensive damage to each of the nine floors as they collapsed into the center, pancaking one on top of the other. When the dust cleared, one-third of the building lay in ruins. The force of the blast damaged 324 surrounding buildings, overturned automobiles, touched off car fires, and blew out windows and doors in a 50-block area. News reports indicated the explosion was felt 55 miles from the site and registered 6.0 on the Richter scale.

Nineteen children, many in a second floor day-care center, died in the Murrah Building's collapse. Thirty children were orphaned. A total of 219 children lost a parent. More than 400 individuals were left homeless in the area. Seven thousand people lost their workplace and some 16,000 people were downtown at the time of the explosion (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998). It is estimated 360,000 Oklahomans knew someone personally who worked in the Murrah Building (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998). To compound the devastation the bombing had on the primary victims, unimaginable psychological and emotional impacts from the 16-day rescue-and-recovery effort took its toll on secondary victims including law enforcement and fire department personnel and Urban Search and Rescue (US&R) team members.

At the time the bomb was detonated, numerous federal agencies had offices in the Murrah Building: Bureau of Alcohol, Tobacco and Firearms (BATF); Drug Enforcement Administration (DEA); Army and Marine recruiting offices; Department of Veterans Affairs; General Accounting Office; U.S. Department of Health and Human Services; U.S. Department of Defense; U.S. Customs Service; U.S. Department of Agriculture; U.S. Department of Transportation; and General Services Administration. The Federal Employees Credit Union and "America's Kids" Child Care Development Center were also housed in the building. When the catastrophe occurred, about 600 federal and contract workers and about 250 visitors were in the building (Oklahoma Department of Civil Emergency Management, 1996).

Chapter II

The Immediate Crisis Response

A Summary of Victims' Needs During the Immediate Crisis

The immediate response to the bombing encompassed the search-and-recovery effort that lasted through May 4 and centered upon the need for information about the identity and status of victims and emergency support. The following victims' needs quickly became evident:

- A crisis response plan for identifying and assisting victims of criminal incidents causing mass casualties that is linked to an overall system for responding to acts of terrorism.
- A mechanism for providing information to families about their loved ones and to provide comfort and protection from the media.
- A system for gathering pertinent information from families necessary to facilitate the identification of remains, for relaying information about the remains of a loved one, and for providing counseling services during the process of recovering and identifying remains.
- A system of death notification that ensures that victims receive information about their loved ones before the media broadcast this information and that takes into consideration the wishes of the family and the safety and care of family members once they receive notification.
- Mental health care service providers with experience and training in working with victims, their families, and others impacted by mass-casualty crimes.
- Awareness of financial, technical assistance, and training resources for meeting the needs of terrorism victims.
- A system for providing for first responders' physical and emotional needs, including regular communication with family members.

The Initial Incident Response

Within minutes of the blast, a massive search-and-rescue effort commenced that included fire, emergency, medical, and law enforcement personnel, as well as a large number of citizens. Citizens and emergency personnel joined together and entered the bombed structure, forming human chains to locate and remove trapped survivors and victims. In fact, throughout this rescue effort, the large outpouring of citizens and agency volunteers astonished veteran rescue workers.

The strong State and Federal Government presence in Oklahoma City helped the response-and-rescue effort. For example, immediately following

the explosion, the Oklahoma City Fire Department set up an Incident Command System (ICS) to manage the intensive search-and-rescue mission and massive influx of federal, state, local, and voluntary agency resources (Oklahoma Department of Civil Emergency Management, 1996). Also, working together, the local police department, the county sheriff, and state and federal agencies handled traffic and security. By 9:25 a.m., 23 minutes after the blast, the State Emergency Operations Center was operational and included representatives from the state departments of public safety, human services, military, health, and education. Soon joining these agencies were the National Weather Service, the Civil Air Patrol, and the American Red Cross (ARC).

Within an hour and a half of the bombing, President Clinton announced the signing of Emergency Declaration FEMA–3113–EM–OK under title V provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [PL 93–288]. This signing and declaration of emergency gave the Federal Government primary responsibility to respond to the disaster and authorized full reimbursement for all eligible response missions performed by state and local government.

President Clinton's declaration that Oklahoma City was a federal disaster area automatically triggered ARC to act as the lead agency in providing food, shelter, first aid, relief supplies, and welfare information. Approximately 665 rescue team members were sent immediately by the Federal Emergency Management Agency (FEMA) to Oklahoma City.

The swift response in Oklahoma City of public and private agencies at all levels of government demonstrated how critical it is for those agencies to work collaboratively in responding to the crisis created by a mass-casualty incident. This type of planning and coordination is just as critical to identifying and meeting the needs of victims.

Victim Support Services

The needs of victims and family members immediately following the bombing were acute and urgent. Some of the support services that were mobilized to assist victims came in the form of the Compassion Center (later becoming Project Heartland), the Resource Coordination Committee (Unmet Needs Committee), and crisis intervention.

Compassion Center

The Compassion Center (the Center), a family assistance center, was operational by 3:30 p.m. on the afternoon of the bombing. The Center, initially set up by the Office of the Chief Medical Examiner and the Oklahoma Funeral Directors Association, provided approximately 20 funeral directors to greet families and gather predeath and antemortem information (American Psychological Association, July 1997). By the next day, April 20, the American Red Cross was operating the Center serving victims and families. The Center also was supported by the hundreds of local clergy, police and military chaplains, and mental health professionals from across the Nation. Other agencies sharing support responsibilities for the Center included the county sheriff's office, the Oklahoma National Guard, the Salvation Army, Tinker Air Force Base, and the U.S. Department of Veterans Affairs. The Center was located in the First Christian Church in downtown Oklahoma City because of its proximity to the bombing site, the size and floor plan of the building, and adequate parking for about 1,200 vehicles.[1]

Immediately, the Compassion Center put policies in place to limit media intrusion upon those who wanted privacy, while allowing access to the survivors and family members who wanted to speak with the press. Mental health care and ARC public affairs specialists briefed individuals before interviews, escorted them to interviews, and debriefed them afterward to reduce the possibility of retraumatization.

The Center was a place to exchange information. First, the families themselves provided detailed information, photographs, and medical/dental records to identify loved ones who were still missing. Second, as a humanitarian effort, the Center provided information about emergency services, mental health counseling, security, and comfort for victims and surviving family members. The Office of the Chief Medical Examiner and a liaison

from the Governor of Oklahoma provided twice daily updates to the victims' families on the rescue-and-recovery efforts. The "family room" set up in the Center protected relatives from the additional trauma of media intrusions. The family room also offered special areas where people could receive messages, eat meals, and use donated long-distance phone services.

During its 16 days of operation, the Center served thousands of victims, survivors, family members, and rescue workers seeking news, information, and solace. Daily, some 400 mental health professionals participated in support, death notification, and staffing mental health services at the Center (Oklahoma Department of Civil Emergency Management, 1996). Within 48 hours, a need for a child mental health specialist on the death notification teams was recognized. Following the death notification, parents and other family members often had questions about what to tell their children, how children at various ages might react, and how to manage their own grief in front of their children (American Psychological Association, July 1997).

As stress and work took their toll on rescue personnel, crisis intervention on their behalf became necessary. When rescue workers switched from saving lives to retrieving bodies and body parts, separate staff were provided to offer stress management services. More than 12,000 volunteer and professional rescue personnel were involved in the rescue operation. Compassion Center staff also recognized that many media representatives were becoming secondary victims experiencing long work hours, competing intensely for stories, and undergoing prolonged exposure to the bomb site, shattered survivors, and stressed rescuers.

When the Center closed, Governor Frank Keating named the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) as the lead agency to coordinate and conduct mental health crisis response services. The Center became Project Heartland on May 15, 1995, and was supported by grants from FEMA and the Office for Victims of Crime (OVC). Project Heartland continued to provide an extensive array of victim services.

Resource Coordination Committee (Unmet Needs Committee)

Recognizing the need for an umbrella group that would pool information and help coordinate funding for victim services, approximately 20 agencies convened in May 1995. Known both as the Resource Coordination Committee and the Unmet Needs Committee, the group quickly grew to encompass 80 agencies. Representatives met weekly to determine and help fill unmet victim needs stemming from the bombing. This group continues to meet 5 years later to review requests from victims, survivors, family members, and disaster workers and allocates a decreasing supply of funds.

From its beginning, the Committee focused on filling service gaps—many services concerned financial and leave benefits and the many needs created by the bombing that insurance did not cover including shattered windshields, car repairs, babysitter costs for children whose center was destroyed, and eyeglasses. In response to a flood of inquiries about access to benefits and legal entitlements, the Attorney Liaison from the U.S. Attorney's Office worked closely with the Committee and numerous victims throughout the first year to find attorneys who could provide pro bono legal counseling and troubleshoot benefit problems with agency bureaucracies.

Crisis Intervention

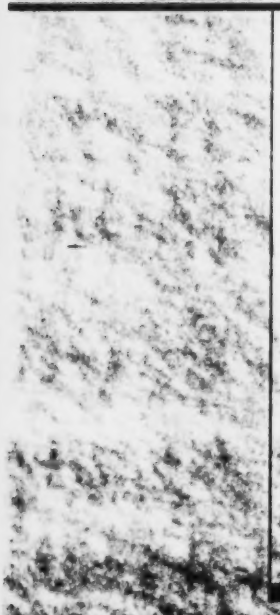
Federal authorities immediately recognized the bombing's traumatic impact on surviving victims, family members, rescue workers, allied professionals, and the community-at-large. By the end of the first day, April 19, 1995, OVC placed a nine-member crisis intervention team on the ground in Oklahoma to work with both the victims and the people responding to the disaster. The team, composed of professionals from across the country, met with victims and trained law enforcement officials, emergency services personnel, clergy, medical professionals, and school officials.[2] Other Federal and State agencies sent personnel to provide assistance.

Death Notification and Recovery of Remains

The difficulty in recovering and positively identifying the bodies of the bombing victims delayed official death notifications to the families. In addition, the need to collect evidence from the bodies and conduct autopsies meant that families experienced further delays in the release of the remains and the ability to proceed with funerals. These delays were unavoidable and not unique to the Oklahoma City bombing case, but it was critical that victims' families received adequate explanations for delays in notification and the release of bodies, including information about the legal requirement to conduct autopsies in all homicide cases. When some families objected to the autopsy process, counselors explained the importance of the autopsy in collecting important evidence and in answering any questions families may have in the future about the cause of death. In addition, as many surviving family members looked back later, they regretted taking the advice of several officials who recommended that they not view the bodies of their loved ones.

"One of the difficulties for death notification team members was the long hours spent waiting to do notifications because of the delays in body recovery and positive identifications."

—American Psychological Association



For some families, the fact that the official death notifications took place at the Compassion Center created an additional hardship. Some families indicated they would have preferred to be notified in their homes. Other families objected to the practice of designating funeral home directors to notify families rather than using clergy to handle this responsibility. The presence of funeral home directors at the Compassion Center and priests arriving to give last rites was disconcerting to many family members who were still waiting for news of their loved ones. As in other mass-casualty events where significant destruction to the bodies of victims happens, unidentified or "common" body tissue results. In the case of Oklahoma City, families waited until December 1999 for a memorial service and interment of the common tissue due to a judicial order delaying burial until attorneys settled legal evidence questions and until the victims had the opportunity to voice their intentions about how and where the remains were to be buried.[1]

Donations of Services and Supplies

In the aftermath of the bombing, the donations for victims and rescue workers from organizations and individuals were overwhelming. Donations poured in from fellow Oklahomans and from citizens across the Nation. Citizens donated approximately $14 million to the Oklahoma City Disaster Relief Fund. Storage and inventory control of the massive amounts of contributions left at drop-off locations became a major logistical problem. Nearby streets were crowded with private cars, commercial tractor-trailers, pickup trucks, and other vehicles loaded with goods ranging from wheelbarrows to football helmets. ARC received $15 million for its relief work with the bombing victims (Kriner, April 20, 2000). Later, special purpose funds—such as the fund for victims' travel to Denver—also attracted generous contributions from private citizens, corporations, and a huge range of organizations, large and small.

The creation of the Murrah Fund by the state legislature was necessary to allow the Oklahoma Crime Victim Compensation Program to accept public and private donations that would assist the victims and provide additional flexibility to the program to pay lost wages and cover grief counseling for family members of the victims. In addition to using $129,363 in state funds to assist victims with medical and mental health expenses, funeral and burial costs, and lost wages, the compensation program received $100,000 in donated funds from the Iowa crime victim compensation program and supplemental federal grants totaling roughly $70,000 from OVC. In total, the special Murrah Fund received more than $300,000 in funding to help compensate the bombing victims.

Chapter III

Postcrisis Victim Assistance

A Summary of Victims' Needs After the Immediate Crisis Is Met

As Oklahoma City responded to victims during this postcrisis phase following the immediate crisis, the following victims' needs were identified:

- Mental health services to ease the transition for those involved with the criminal event when the immediate crisis ended and they returned to "normal" work and family conditions.
- Recognition by employers and service providers of the traumatic impact on first responders and others working with victims and efforts to provide opportunities for debriefing, counseling, and other assistance to help them cope.
- Streamlining service requests and benefit claims so that the process of and documentation for accessing services and benefits are simpler for victims and enable agencies to cope with the increased demands of responding to a terrorist crime.
- The ability to increase or supplement the number of victim assistance staff in agencies faced with responding to mass casualties.
- Experienced staff aware of the unique needs of terrorism victims.
- Access to an experienced prosecutor who is sensitive to victim-witness issues and provides victims with information about the status of the case and the legal issues.
- A resource plan developed by OVC and other U.S. Department of Justice components that provides guidance in managing personnel resources for future disasters.
- Information sharing and identification of victims to enable prompt extension of legal rights and services to victims and notification about the status of the investigation.

Ongoing Victim Needs and Vicarious Victimization

Victim services needed to be adjusted and expanded to help victims and families after the immediate crisis as they began to stabilize their lives and cope with the impact of the event. Victims and survivors had to deal with a wide range of emotional, psychological, physical, legal, and financial consequences. For example, custody decisions and legal processes were necessary for children who were left without a parent or both parents as a result of the bombing. As time passed, victims and families experienced new issues and challenges. In addition, it became evident that victims were not limited to the injured and the families of and others close to those killed in the bombing. Playing a role in responding to the bombing had a traumatic impact upon the men and women who were involved in the emergency response, such as rescue workers who participated in the recovery of victims and bodies, and those

who provided care to the victims in the immediate aftermath and in the months and years following the bombing. Significant levels of secondary traumatic stress were experienced by a wide range of professionals and were exacerbated in many cases by the cumulative effect of exposure to other traumatic events.

"Emotional triggers are everywhere. Some employees have had to spend most of their time since the bombing re-creating documents, procedures, and records that were destroyed. Sometimes, simply finding a report by a colleague who was killed or seeing a picture in a newsletter produces a flood of tears. Many managers—some who weren't even around at the time of the bombing—can't understand why people are still so affected."

—Linda Wagner, Project Heartland

The U.S. Attorney's Office and other agencies involved with the victims faced the emotional hardship of working with anguished family members, ensuring orphaned children were appropriately placed, and accompanying the Medical Examiner to report often gruesome findings to families. This situation was compounded by personal losses within the offices themselves. Within the U.S. Attorney's Office, a husband and a grandchild were killed in the bombing. Staff members in many offices continued to put in a full day's work when friends remained among the missing. Throughout Oklahoma City, wrenching decisions faced survivors, family members, friends, and fellow employees as multiple funerals took place simultaneously. Difficult decisions about which service to attend added guilt to grief. One employee who lost most of the agents in his office attended 30 funerals. Caregiving professionals and victim advocates, while skilled in dealing with victims' severe emotional distress, were not prepared for the scope and intensity of the traumatic reactions experienced in the weeks, months, and years after the bombing. Mental health support services were provided through the Employee Assistance Program (EAP) and Project Heartland.

Employee Assistance Program

Counseling and debriefing opportunities were available to federal employees through their respective Employee Assistance Programs.[4] Many EAP staff returned to Oklahoma City several times. They conducted a training session for office management, to include the U.S. Attorney, on How To Recognize and Refer the Troubled Employee. EAP also conducted several general training sessions for the office on grief, loss, and trauma. Finally, EAP contracted with an eminent trauma psychologist who went to Oklahoma on several occasions to meet with interested employees. Initially, many employees did not use these resources at the time they were offered.[5] In addition, no consistent link was established with local mental health professionals, such as Project Heartland staff, who were also working with federal workers. Many new federal managers were assigned to Oklahoma City as a result of the bombing. These managers were not always sensitive to the needs of their fragile and traumatized work force. Employee needs were not addressed as effectively as they could have been. An ongoing liaison between the various federal personnel offices, EAPs, and Project Heartland might have been helpful in meeting employee needs in the aftermath of the bombing.[6] Within the U.S. Attorney's Office, some staff members later requested debriefings, noting that other "trauma veterans" such as rescue workers, police, firefighters, and treatment providers were offered or required to participate in debriefing sessions on a weekly basis.

Project Heartland

Created by the Oklahoma Department of Mental Health and Substance Abuse Services, Project Heartland was the immediate mental health response to the bombing. FEMA provided initial funding for "crisis counseling, crisis intervention, support groups, outreach, consultation, and education to individuals who were affected by emotional or physical proximity to the bombing," and on May 15, 1995, Project Heartland opened.[7] Because Project Heartland was the first community mental health response to a large-scale terrorist event in the United States, there was no previous experience to guide and establish the appropriate

services for terrorist-caused psychological trauma. Project Heartland found that traditional crisis counseling techniques were not sufficient, and new approaches were developed to reach disaster survivors. From 5 original staff members, Project Heartland grew to 65 employees providing a comprehensive array of clinical, educational, and outreach services. FEMA supported Project Heartland as the longest Regular Services project it ever funded—funding was extended three times and ended on February 28, 1998 (Center for Mental Health Services, ND). FEMA awarded $4,092,909 to Oklahoma Regular Services.

On March 11, 1997, Project Heartland received notification from OVC that $234,930 had been awarded to fund crisis-counseling activities at the Safe Havens during the trials in Oklahoma City and at the trials in Denver, Colorado. Since FEMA guidelines do not allow funding of long-term mental health services outside of the federally declared disaster area, OVC funded the necessary mental health services during the trials. The Safe Havens served as places of respite for the victims' family members and survivors attending the trial proceedings in Denver or the closed-circuit television (CCTV) broadcasts of the trials in Oklahoma City. On February 28, 1998, OVC extended the grant and awarded an additional $264,000. OVC's grants to Project Heartland allowed services to continue for the many survivors, family members, other individuals affected, and an increasing number of rescue workers and rescue worker family members seeking help with problems stemming from the bombing.[7] Among the most innovative services provided by Project Heartland were the OVC-funded activities related to the trials—availability of crisis counseling at Safe Havens during the trials in Denver and CCTV broadcasts in Oklahoma City (American Psychological Association, July 1997). (See further description of mental health services under chapter IV, "The Criminal Pretrial and Trial Phases.")

Between June 1, 1995, and February 28, 1998, Project Heartland reported providing 8,869 clients with counseling, support group, or crisis intervention services. Approximately 186,000 contacts were made, which included reaching out to a broad spectrum of minority and ethnic populations (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998). Outreach efforts included educational materials and information about services, debriefing sessions for workplace groups, and educational seminars on such topics as grief or traumatic stress. Services were provided free of charge at the Project Heartland Center, which housed a core group of clinicians and was open from 8:00 a.m. until 9:00 p.m., with evening and weekend appointments available on request. After hours, calls to the Center were transferred to the ODMHSAS crisis hotline, enabling clients to have 24-hour access to services.

Streamlining Procedures To File for Claim Benefits

Federal and state agencies made special efforts to streamline procedures for obtaining benefits and other assistance for victims. Agencies such as the state's crime victim compensation program, administered by the Oklahoma District Attorney's Council, assisted victims with crime-related expenses. This program made special efforts to simplify the compensation application and award process by waiving the usual law enforcement verification requirements and by dedicating one staff member to exclusively process all claims. Special attention was given to compensating lost wages for the victim and loss of support for the victim's family. The Bureau of Justice Assistance (BJA) within the U.S. Department of Justice (DOJ) administers the Public Safety Officers' Benefit program, which provides aid to survivors of slain and injured federal and state safety officers. In response to the Oklahoma City bombing, BJA not only streamlined its application procedure but also sent staff to Oklahoma to meet with surviving family members and assist them in applying for benefits. These are only two examples of special efforts taken to provide easy access to public benefits for victims of this terrorist act. Recognizing the horrific trauma experienced by the bombing victims, other special efforts were also undertaken by agencies such as the Federal Emergency Management Agency and the Social Security Administration.

U.S. Attorney's Office Response

This phase of the Oklahoma City bombing response focused on identifying and locating victims, assessing their needs, and providing the services needed to help them cope after the immediate crisis. Based on the federal definition of "victim,"[9] victims encompassed a wide range of ages and situations.[10] A critical task for the U.S. Attorney's Office involved identifying the victim population and developing a plan for providing appropriate assistance. While the definition of a federal crime victim includes anyone who suffers direct physical, emotional, or financial harm, there is a potentially wider range of individuals who suffered psychological harm. The Oklahoma City bombing victims directly affected by the event included the injured and killed and their families as well as employees of agencies in the Murrah Building. Beyond this core group of victims are other victims who suffered: rescue workers, police officers, and other responders to the scene; coworkers; people who worked in nearby office buildings; taxi and bus drivers who were in the area when the bombing occurred; and many others who were exposed to the event and to the traumatic aftereffects. Over time, investigators, prosecutors, victim services personnel, and others who worked closely with the details of the criminal case or with the surviving victims and victim families also became significantly affected. While core services should be provided to the federally defined victims, the Oklahoma City experience has shown that many other victims are in need of service, and more limited assistance could be made available to them.

"The circle of care should encompass caregivers, out-of-state responders, jurors, attorneys on both sides, Salvation Army volunteers, clerks who typed up the victims' statements, hospital personnel, janitors, U.S. Marshals, FBI personnel who accompanied witnesses and families—all those whom we now know were often vicariously victimized by this catastrophe."

—Linda Wagner, Project Heartland

Responding to the magnitude of the Oklahoma City bombing case and the complex difficulties faced by its victims, the U.S. Attorney's Office met victims' needs by exceeding the requirements of federal law and the 1995 *U.S. Attorney General Guidelines for Victim and Witness Assistance* (*AG Guidelines*). Operating under the *AG Guidelines*, the U.S. Attorney's Office identified victims and created a database of victim contact information. Some agencies refused to supply contact information for clients (victims), citing organizational policies of nondisclosure. Underlying most agencies' unwillingness to share client (victim) information was the fear that the identifying information might be used by criminal justice agencies for purposes beyond victim notification. The U.S. Attorney's Office had to rely on obituaries in the local newspapers and information from FEMA and other sources to identify victims and survivors, a process that the staff found to be a frustrating and unnecessary obstacle in implementing victim services. (See Privacy Act discussion under chapter VI, "Legal Issues Pertaining to Victims of Terrorism.") The U.S. Attorney's Office provided victims' rights and services through its Victim-Witness Assistance Unit and through the appointment of an Attorney Liaison.

Identification and Notification of Victims

Beyond the need to identify who the deceased victims were for the sake of their families, there also was the need to identify surviving victims and family members of the deceased to provide them with information and services. This need made it essential for agencies to exchange information about their clients, otherwise some victims would receive duplicated services and others would received none at all. The International Business Machine (IBM) Corporation donated electronic equipment, software, and training to create and manage a database of services provided to individual victims. The victim database eventually included approximately 3,000 family members and survivors that victim-witness coordinators and others involved with distributing victim

services could use and update. When this new computer system was installed, agencies belonging to the Resource Coordination Committee entered information into the system regarding types and amount of services provided to individual victims. Unfortunately, due to confidentiality concerns, many victim-serving agencies did not enter into the system information about the names of their clients (victims), the amount of assistance, or the specific services delivered.

The Victim-Witness Assistance Unit also established a toll-free telephone information line for victims to obtain assistance and initiate regular group meetings with survivors and family members. This toll-free telephone line alleviated the need for staff to make hundreds of calls to victims to provide trial-related and other information and gave victims the freedom to obtain information at times that were appropriate and convenient for them.

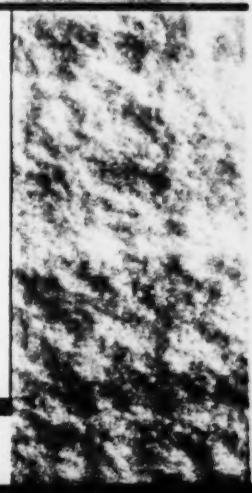
Victim-Witness Assistance Unit

Going beyond the requirements of federal laws, the Victim-Witness Assistance Unit addressed immediate needs for food and shelter, organized large-scale resource coalitions, and engaged in personal troubleshooting for individual victims. It also gathered federal job vacancy announcements for federal employees, helped create a "job fair" for nonfederal employees, and worked with small federal agencies to arrange extra administrative leave and waive administrative barriers for a donated leave program. In compliance with federal law and U.S. Department of Justice policy, the U.S. Attorney's Office kept victims informed about the progress of the criminal case and available services with frequent case status letters. (See chapter VI, "Legal Issues Pertaining to Victims of Terrorists.")

Within the first few weeks, the Victim-Witness Assistance Unit held group or individual meetings to explain victims' rights and determine the availability of resources with the following: Social Security Administration staff, the Western District Court Clerk's Office, U.S. Department of Housing and Urban Development staff, displaced residents of a nearby apartment building damaged by the bombing, the FBI chaplain, Oklahoma Community Foundation, State Victims' Compensation Program, American Red Cross, and Project Heartland.

As the number of victims and the volume of work increased, an immediate need developed for additional victim-witness assistance staff skilled in managing victim data; handling the emotional, resource, and support needs of victims and families; training other professionals to serve victims; and organizing community resources while still handling other existing case responsibilities of that office. The Executive Office for U.S. Attorneys (EOUSA) immediately moved to supplement the resources of the Victim-Witness Assistance Unit by obtaining permission from the U.S. Attorneys' Offices in Kansas and in the Northern and Eastern Districts of Oklahoma to detail their victim-witness coordinators temporarily to the Western District office.[11] EOUSA then provided financial assistance to pay for the travel and lodging of additional staff members detailed to Oklahoma City. Initially, all victim-witness coordinators worked together to contact victims and assess needs. Later, those from other offices were able to rotate their assistance to the Western District of Oklahoma office—working in shifts to keep up with their own caseloads. For each coordinator, the Oklahoma City bombing was an additional responsibility rather than a replacement of existing responsibilities.

> *"The Attorney General Guidelines were very important—they were the basic structure for tasks to be accomplished. But there was so much more to do in the beginning and no staff to carry it out, so we did what the crisis demanded—go out and meet the needs. We interpreted 'best efforts' as the vehicle to go way beyond the Guidelines. And by intervening to meet practical, absolutely critical needs like food and shelter, victims were aware of our concern and compassion from the beginning."*
>
> *—K. Lynn Anderson, Assistant U.S. Attorney*



Attorney Liaison

On May 30, 1995, the U.S. Attorney's Office appointed a special Attorney Liaison for victims.[12] This Attorney Liaison would also serve as a member of the prosecution team for the bombing trials.

The Attorney Liaison assisted the Victim-Witness Assistance Unit in removing bureaucratic roadblocks to help victims receive benefits. Examples of practical assistance included assisting victims with obtaining official forms and enlisting the aid of the Oklahoma Bar Association to locate Texas attorneys who would provide pro bono services for victims and their families. Once the trials began, the Attorney Liaison also became a credible and informative link between those working within the criminal justice process and the victims, families, and survivors.

Chapter IV

The Criminal Pretrial and Trial Phases

A Summary of Victims' Needs During the Pretrial and Trial Phases

The criminal pretrial and trial phases presented significant challenges to safeguarding crime victims' rights especially with the change of venue decision in February 1996. As Oklahoma City and Denver responded to the bombing victims, the following victims' needs were clear:

- Ability to observe trial proceedings.
- Accommodations for travel and housing.
- Accommodations for CCTV broadcasts.
- Legal explanation of trial events.
- Emotional support for trial decisions, evidence, and testimony.
- A notification process that informs victims of the ongoing criminal justice process.
- A process for determining which victims can attend the trial each day.
- A waiting area separate from defendants and their families.
- Seating in the court separate from defendants' families.
- A process to identify and coordinate resources and volunteers to assist victims traveling to the trial.
- An intermediary who coordinates media interviews with victims and families and debriefs the victims and families after the interview to reduce the possibility of retraumatization.

Challenges to Victims' Rights and Services as a Result of Change of Venue

The focus of victim services shifted to trial-related activities when the change of venue hearing was held in January 1996. Long before the judicial decision to change the venue in the cases of *United States* v. *Timothy McVeigh* and *United States* v. *Terry Nichols*, however, speculation over a possible new venue aggravated victim tensions and apprehension regarding the upcoming trials. The pretrial and trial phases raised concerns about ensuring victims' observation and/or participation at the trials, informing victims of the criminal justice process, and continuing to provide mental health services.

A new set of challenges emerged as a result of moving the trials of Terry Nichols and Timothy McVeigh to Denver. Attorney General Janet Reno announced to the victims Judge Matsch's decision that the criminal trials of defendants Timothy McVeigh and Terry Nichols would not take place in Oklahoma but in Denver, Colorado. Attorney General Reno pledged, however, that the U.S. Department of Justice would work to support the victims.

Apart from the basic statutory requirement to keep victims informed throughout the criminal justice process, the change of venue required special accommodations to help victims access the proceedings and receive support in the new trial location. One of the primary concerns of victims was the difficulty the distance to Denver posed for watching the trials. The victims initiated two pieces of legislation that were passed by Congress to secure victims' rights to participate in judicial proceedings:

- A new federal statute established that, where a Federal Court changes the trial venue out of the state in which the case was initially brought by more than 350 miles from the location in which the proceedings originally would have taken place, the court must order closed-circuit televising of the proceedings to be broadcast at the original location to permit victims who qualify under the statute to watch the trial proceedings [42 U.S.C. § 10608].
- Congress passed legislation prohibiting the U.S. district judge from ordering victims excluded from the trials of the defendants because the victim may testify or make a statement during the sentencing about the effect of the offense on the victim and the victim's family [18 U.S.C. § 3593].

"We want to be sure that victims can exercise their right to attend court proceedings. In doing that, we carry out the Justice Department's responsibilities under the Victims of Crime Act and the Victims' Rights and Restitution Act."

—Attorney General Janet Reno

Travel Assistance to Denver

Plans to facilitate victim attendance at the trials in Denver began at the U.S. Attorney's Office for the Western District of Oklahoma. The Office was committed to enabling as many victims and support persons as possible to travel to Denver without personal financial sacrifice, recognizing that the venue change imposed by the court demanded long-distance travel and added to the disruption of victims' lives. Without such support, many would have been denied the opportunity to attend the trial, and others would have been forced to incur costs on top of grievous losses.

Soon after the venue change announcement, Oklahoma Governor Frank Keating asked the United Way of Metro Oklahoma City to administer a fund to help victims travel to the Denver trials. In a coordinated effort on February 27, 1996, Attorney General Janet Reno augmented Governor Keating's announcement by announcing an OVC grant for $200,000 to the U.S. Attorney's Office for victims' travel expenses related to attendance or observation of the trials. To help coordinate travel and other activities, OVC provided funding for two temporary staff members for the Victim-Witness Assistance Unit and funded additional victim-witness personnel in the Colorado District U.S. Attorney's Office.

Denver-Based Support Services

The change of venue to Denver unleashed a storm of activity in that city among public and private groups wishing to be of assistance to the victims. Social service, mental health and public safety agencies, churches, businesses, victim advocates, and private citizens offered a wealth of personal goods and services to the Oklahomans. Some 600 people volunteered rooms in their homes for relatives and survivors of the bombing.[3]

Fueled by local media, which clamored for a major demonstration of civic hospitality, victims' groups in Denver and the U.S. Attorney for Colorado concluded that a single, local coalition was necessary to coordinate services and donations. Simultaneously, the U.S. Attorneys' Offices in Oklahoma City and Denver and the U.S. Department of Justice recognized the need for a single coalition given the fervor of media requests, the outpouring of contributions, and the risk for another venue change if the response was not organized. On March 14, 1996, the Colorado Oklahoma Resource Council (CORC) was born. CORC brought together 18 agencies including representatives of the city of Denver, federal

agencies, relief organizations, and victim advocacy groups.[4] Among other victim assistance functions, CORC ensured that a Safe Haven was provided for victims in Denver.

Although businesses, churches, and other private groups donated generously to CORC, ongoing support was necessary to meet the needs of bombing victims attending the trials. To provide support for victims' services during the trials, OVC approved a grant under an amendment to the Victims of Crime Act (VOCA) contained in the Antiterrorism and Effective Death Penalty Act of 1996 [42 U.S.C. § 10603b]. Under the grant agreement, OVC extended federal antiterrorism funding to the Denver Victim Assistance and Law Enforcement (VALE) Board because of VALE's commitment to the victim assistance effort already under way and its capacity to oversee CORC activities.

OVC coordinated meetings in Denver and Oklahoma City that included EOUSA, the Victim-Witness Assistance Unit, VALE, and CORC. OVC identified responsibilities for CORC that reflect concern about providing comprehensive service delivery to victims without compromising the legal case or hindering legitimate media demands:

- Identify, coordinate, collect, and inventory local resources, including funds, staff, and services, for the survivors and victim family members.
- Maintain records regarding donations and resources and compile a resource directory containing food, lodging, transportation, and local victim service information.
- Coordinate medical and mental health assistance to the victims, including recruiting and training qualified mental health professionals to work as volunteers at the Safe Haven.
- Supervise a volunteer coordinator and support staff at the Safe Haven.
- Help coordinate the response of Denver businesses, agencies, and community groups through attendance at community meetings, prompt referrals, and provision of information on victim needs.
- Prepare a written security plan including screening and credentialing volunteers.
- Develop procedures for transportation, hotel, and food vouchers.

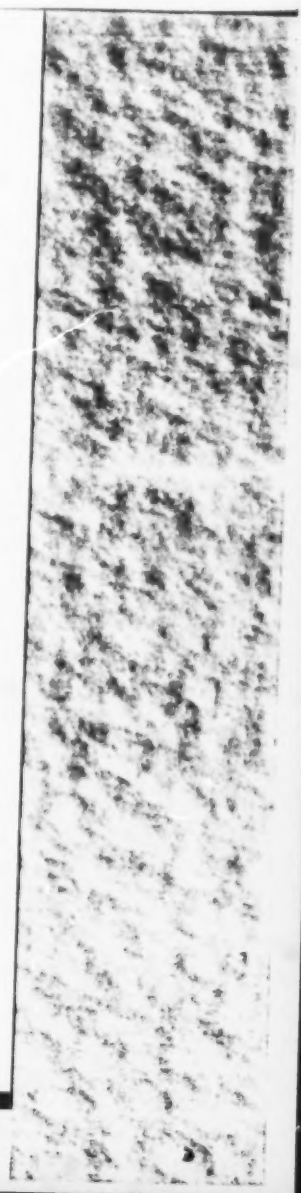
"The change of venue required a nontraditional approach to mental health services, victim advocacy, and spiritual support."

—Krista Flannigan, Director, CORC

According to many members of CORC, having a year between the organization's founding and the beginning of the first trial to prepare proved extremely helpful. Among the materials developed were procedures and rules governing the volunteers' schedules, transportation, security, safety, debriefing, media contact, insurance, liability, and confidentiality. A statement defining the Safe Haven's position on mandatory disclosure and recordkeeping by mental health professionals was also developed. Other handouts addressed ways of responding to victims or included maps, restaurant and entertainment guides, and other resources.

The change of venue required a great deal of cooperation and understanding on the part of the agencies and organizations working with the victims in both cities. Time and effort were required to develop trust and to address differences in roles and perspectives among these agencies and organizations. With OVC's active intervention and the victims' arrival for the first trial, tensions eased among the key agencies working with the victims.

The need to clarify roles illustrated the unique circumstances that emerge from a change in venue, particularly when the new venue is so far from the jurisdiction trying the case. In addition, it was critical to carefully balance the needs and rights of victims and the need to maintain the integrity of the criminal justice process. The U.S.



Department of Justice's letter to CORC concluded: "In most everyday situations, private citizens who desire to help others in time of tragedy can do so without interference or restriction. However, here, the situation involves a federal criminal prosecution, with all its attendant restrictions. The cost of any missteps could be great" (Solano et al., August 15, 1996).

"CORC demonstrated the importance of communication and relationships between government and non-government agencies, between for-profit and nonprofit groups, with each piece playing a valued part. These principles go beyond lessons to deal with acts of terrorism. They apply to many cases when there's a change in venue."

—Steve Siegel, Denver Victim Assistance and Law Enforcement Board

Victims' Rights and Services During the Trials

Once the trials began, the victims needed support services in both Oklahoma City and Denver. This assistance included CCTV broadcasts of the trial in Oklahoma City, an explanation of the trial events, and information and emotional support to help victims cope with testimony, evidence, and court decisions.

Closed-Circuit Television Broadcasts

In deference to victim wishes, the Victim-Witness Assistance Unit began searching for a secure facility in Oklahoma City that could accommodate large numbers of victims who might want to watch CCTV broadcasts of the trial. The Federal Aviation Administration (FAA) offered its auditorium and additional space in the FAA building for a "Safe Haven" for the bombing victims. Prosecutors then requested the court to transfer the CCTV broadcasts to the FAA site. Judge Matsch granted the motion. The Attorney Liaison assisted the trial team in preparing two motions: one urging adoption of victim definitions from the Victim's Rights and Restitution Act as criteria for CCTV admission eligibility; the second proposing an application process for approving individuals who would view CCTV broadcasts. Judge Matsch granted both motions, issuing an Admission Order on February 26, 1997. He also assigned Judge Gasper Perricone, a retired Colorado State judge, to preside over the CCTV broadcasts of the trials.[15]

In the 4 weeks between the issuance of Judge Matsch's Admission Order and commencement of the CCTV reservation system, the Unit notified the entire victim database (2,100 persons) of their eligibility to attend the CCTV broadcasts and accomplished the following:

- Certified more than 1,100 persons to view the CCTV broadcasts.
- Transmitted forms of ineligible applicants to Judge Matsch.
- Notified certified persons of "badging" dates.
- Staffed badging operations on 7 days when 850 victims received their badges.
- Learned to operate the reservation system.
- Mailed instructions on how to use the system to all certified victims.

Attendance fluctuated, but some victims attended every day of the court proceedings. During the sentencing phase of the *McVeigh* trial, as many as 300 victims attended the CCTV broadcast sessions. During the *Nichols* trial, CCTV broadcast attendance totaled 1,062 (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998).

Victims appreciated the presence of Judge Perricone and his assistance in explaining legal proceedings. Many expressed disappointment, however, in the quality of the CCTV picture. Not only was the picture somewhat fuzzy but also a fixed camera built into the back wall of the courtroom eliminated variety in focus and prohibited viewers from observing the defendants' faces.[16]

Explanation of Trial Events

Part of the Attorney Liaison's role was to debrief victims about the day's legal proceedings after court had recessed. She explained the relevance of what had been heard and seen that day in court and what could be anticipated for the next day of trial. Her discussions with the victims at the Safe Haven made sense of attorney decisions, judicial rulings, strictures on witness testimony, and the sequence of trial events. In addition to answering the victims' questions, the debriefings warned survivors and family members observing the trial about upcoming potentially painful testimony or exhibits. These debriefings allowed individuals to prepare psychologically or to choose not to attend the session. These meetings generally concluded with a brief discussion of ways in which the victims could take care of themselves emotionally. Project Heartland counselors were present to assist, if needed, in this phase of the debriefings.

Through the Attorney Liaison, the victims had a direct link with the prosecution team. As a member of the team, she not only advocated for the victims' interests, but also explained the prosecution's issues and procedures to the victims. One of the issues the Attorney Liaison was not able to resolve, however, was the lack of sufficient seating for victims in the courtroom. The fact that the media were assigned more seats than family members caused considerable irritation. Even worse, seating arrangements sometimes placed victims next to the defendant's family—a source of stress and pain.

The Victim-Witness Center, Denver

The Victim-Witness Center was created through the joint efforts of the victim-witness coordinators from the U.S. Attorneys' Offices for the Western District of Oklahoma and the District of Colorado. Located next to the courthouse, the Center was comfortably furnished and provided free local and long-distance telephone service. Here, prosecutors met with witnesses prior to testifying. The victim-witness coordinators were responsible for making travel and lodging arrangements for witnesses, coordinated duties with the FBI witness coordinator 7 days a week, and fielded calls from witnesses traveling to Denver. In addition, the victim-witness coordinators addressed other witness needs such as arranging witnesses' travel to and from court, answering their questions pertaining to the trials, and keeping them informed of the judicial process.

> *"People must realize that crime victims have a huge need to understand what's going on, to view the process, to humanize events."*
>
> *—Diane Leonard, widow of a bombing victim*

Mental Health Support and the Safe Havens

Over the 11 weeks of the *McVeigh* trial and during the *Nichols* trial, the Safe Havens in Oklahoma City and Denver provided mental health services, food, free telephone service, and privacy to victims and family members. Project Heartland counselors addressed victims' apprehensions before appearing in court and provided counseling and debriefings to victims after upsetting testimony, exhibits, rulings, or other aspects of the trial. In the case of the Denver Safe Haven, Project Heartland counselors were able to communicate to the Victim-Witness Assistance Unit possible concerns the witnesses may have had based on what family members were communicating in the Safe Haven facility. Project Heartland activities also included training and sensitizing staff and volunteers who would be involved with victims, family members, and support people at CORC, the Victim-Witness Center in Denver, and the CCTV trial broadcast facility in Oklahoma City. Again, OVC support enabled Project Heartland staff to travel to Denver to meet these critical needs.

The Safe Havens were also designed to be secure havens for the victims and families of victims. Security procedures were carefully planned. Volunteers and member groups were barred from speaking with the media, and the press agreed to maintain its distance from the Safe Havens. With few exceptions, the media respected victims' privacy. Some victims, however, initiated their own contacts with reporters.

Chapter V

Long-term Victim Needs

A Summary of Victims' Long-term Needs

The years following the Oklahoma City bombing have revealed the often ravaging emotional effects of exposure to traumatized victims and the importance of providing ongoing intervention and emotional support to disaster victims, including secondary and tertiary victims. The following victim needs have been recognized during this phase of the bombing recovery:

- Long-term mental health services for posttraumatic responses to the criminal event.*
- Education of managers and employees to understand posttraumatic stress disorder and to support victims who are returning to the workplace.
- Recognition of restitution for victims.
- Participation in decisionmaking processes when possible.
- Ongoing information about posttrial events.

*Long-term posttraumatic responses can be triggered by anniversaries, memorial events, reminders of slain colleagues in the workplace, birthdays, or birth of a second child.

Ongoing Mental Health Support

For many individuals associated with the events of April 19, 1995, the bombing was a life-altering event (Kight, 1998). Long after the last piece of rubble was hauled away, the disaster continues to propel many primary, secondary, and tertiary victims[17] into grief, bouts of severe depression, substance abuse, rage, domestic violence, and stress-related physical disorders. Nightmares, loss of short-term memory, hallucinations, and a recurrent sense of "going insane" are among the symptoms reported by individuals whose lives were relatively untroubled and productive before the bombing.

An often overlooked population affected by the Oklahoma City bombing includes those who responded to the crime and offered some measure of assistance with the rescue-and-recovery efforts. Along with working under very difficult and dangerous conditions, some rescue workers were injured and many handled bodies or body parts. As a direct result of their experiences in Oklahoma City, experts predict as much as 20 percent of the 12,984 rescue workers and volunteers may need help in dealing with the psychological impact (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998).

New emotional pressures arose when the pace of work with bombing victims slowed and employees returned to "normal" work and family conditions. The difficulty of this transition is widely acknowledged by mental health experts (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998) but considerably less recognized by employers and supervisors.

With research confirming the intense psychological impact of intentional disasters on communities and individuals (Oklahoma Department of Mental Health and Substance Abuse Services, May 31, 1998), Oklahoma City faced a long-term

need for mental health services. Mental health specialists identify four phases of recovery from a disaster. The experiences of many Oklahoma City bombing victims seemed to mirror these phases. The first phase is the "Heroic" phase. It occurs at the time of impact and is marked by courageous efforts. The second phase is the "Honeymoon" period. During this time individuals receive attention and assistance and feel somewhat optimistic. The third phase is the "Disillusionment" phase, and it is marked by the realization that things will never be the same and loved ones are not coming back. Experts say that every effort should be made to ensure victims arrive at the fourth phase, the "Reconstruction" phase, within 5 years. After 5 years, it is far more difficult for individuals to overcome the psychological impact of a criminal disaster (Faberow and Frederick, 1978).[18]

Efforts to help with these long-term symptoms included special services for first responders, consideration of some form of restitution for the victims, and postconviction notification of victims.

"Federal, state, and local authorities, Red Cross chapters, and mental health professionals need to understand that mass casualty incidents are different from other disasters. The psychological impact of these incidents appears to be more extreme than from other disasters. This severity also seems to lead to more immediate and long-term traumatic stress reactions. Broad community reaction is also common and will be particularly likely in the aftermath of a terrorist incident"

—American Psychological Association

Assistance to First Responders

The Critical Incident Workshops began in 1996, and OVC awarded $356,000 through a Victims of Crime Act grant in June 1998. These workshops are designed to help first responder victims address the difficulty they may feel in acknowledging their emotional needs.

Participants in the Critical Incident Workshops come from fire, police, and sheriff departments; the Highway Patrol; federal and state law enforcement; and FEMA search-and-rescue teams. Workshop participants have also included chaplains, mental health professionals, survivors, and family members of victims. For 3 days, workshop participants work through "the ravages of trauma" in small group settings. Sessions are offered in safe, supportive environments in which everybody present has an opportunity to share their similar experiences. The ability to talk about traumatic experiences with colleagues appears to be very helpful to rescue and other public safety personnel who are traditionally reluctant to acknowledge the profound effects of what they have seen and done.[19] Sometimes this reluctance to acknowledge and address symptoms of stress is reinforced by agency policies that penalize employees who seek psychological help, labeling them "unfit for duty." Twenty-eight workshops have been held since the VOCA grant in 1998 began with a total of 255 participants: 168 rescue workers, 27 survivors, 28 family members, 26 volunteers, and 6 others (King, January–March 2000).

Many of the rescue personnel, for whom the workshops were primarily designed, reported overwhelming relief at the opportunity to unburden themselves and to voice the guilt they felt for "not doing enough" to save those who died in the bombing. Often the response of rescuers is to keep silent, believing their families should be protected from the horrible images imprinted in their memories. It was reported that after sharing at the workshop, many returned home with new hope for healing and recovery.[20] A surprising benefit from the workshops, which was reported by participants from different agencies, was that, as they expressed similar fears and hardships, they discovered a kinship and a bond not shared before. OVC funding is making it possible to offer free workshops in Oklahoma, Maryland, and California, allowing all the rescue team members who came from distant states to attend.

Restitution

Restitution for victims presented complications for both victims and the prosecution team, given

the number of victims, the lack of defendant assets, and disparate criminal sentences. No monetary restitution was sought in either the *McVeigh* case in which Timothy McVeigh received a death sentence or the *Nichols* case. Defendant Terry Nichols had some assets in property, but the total value was too small to permit valuable distribution among eligible victims. Nichols' sentence of life imprisonment, however, presented the possibility of financial earnings in the future through publication of a book. In addition to 18 U.S.C. § 3681, which does not allow criminals to profit from their crimes, prosecutors proposed a restitution plan calling for the donation of any funds earned by Nichols to the U.S. Department of Justice's Crime Victims Fund. The sum, $14 million, allocated for Nichols' restitution obligation represented the cost of rebuilding the Murrah Building.[21] To determine an equitable solution to the question of restitution in this particular case, prosecutors polled the victims for answers. The victims agreed to waive their statutory rights to individual restitution payments, acknowledging no amount of money could conceivably restore them.[22]

Postconviction Notification of Victims

The end of a trial and sentencing are not the end of the criminal justice process. Federal law requires federal officials to notify victims of a defendant's posttrial status including parole hearings, any type of release of the defendant (including escape), and the death of the defendant while in custody. The Federal Bureau of Prisons (BOP) operates a notification program to meet this responsibility. The BOP notification program is strictly voluntary, and victims can enroll through the U.S. Attorney's Office. In addition, the 2000 edition of the *Attorney General Guidelines for Victim and Witness Assistance* states that prosecuting offices should make reasonable efforts to inform victims about postsentencing legal proceedings including appeals and habeas corpus petitions. In the Oklahoma City bombing case, the Attorney Liaison continued to notify victims about the status of the appeals and habeas petitions filed by Timothy McVeigh and Terry Nichols.

> *"The Federal trials of those who masterminded the bombing are over. The national spotlight has long since shifted from Oklahoma City. But it is now, more than three years after the worst case of domestic terrorism in American history, that many survivors are entering the bleakest period of grief."*
>
> —*"The Blast Fallout,"* USA Today, *August 4, 1998*

Newly drafted U.S. Department of Justice regulations also include victims in the pardon and clemency processes followed by DOJ's Office of the Pardon Attorney. The regulations provide for victim notification of the filing of a petition for pardon or clemency, the opportunity to submit a written statement or make an oral statement to the Office of the Pardon Attorney, and notice of the final decision. At the time of this report, those regulations had not been finalized. In cases involving the death penalty, such as that of convicted Oklahoma City bomber Timothy McVeigh, victims may request the opportunity to be present and observe the defendant's execution. In a terrorism case with hundreds or thousands of victims, developing a fair procedure for victims to view the execution presents another challenge to ensuring victims' rights.

Chapter VI

Legal Issues Pertaining to Victims of Terrorism

There are several key areas of federal law that are important to consider in responding to terrorism victims.

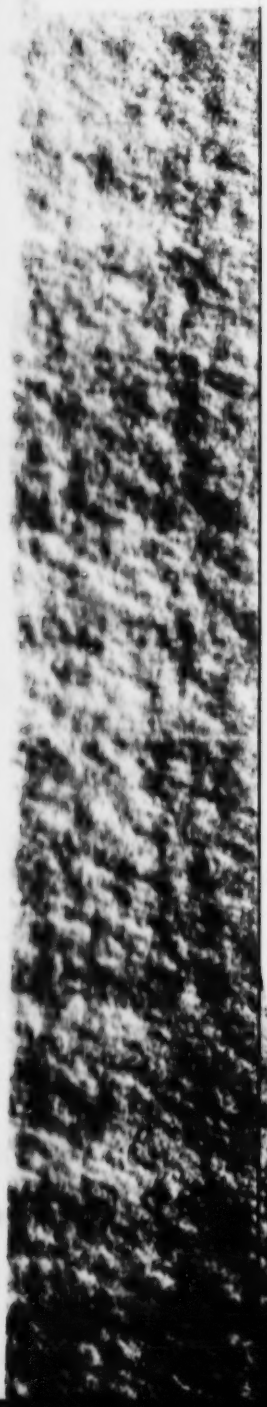
Funding Authorization

As a result of the need for federal monetary assistance to victims of the Oklahoma City bombing, Congress, in 1996, gave OVC the authority to access the Victims of Crime Act emergency reserve fund of $50 million to assist victims of terrorism and mass violence. The Antiterrorism and Effective Death Penalty Act of 1996 amended VOCA by adding 42 U.S.C. § 19693(b) to allow OVC access to the emergency reserve fund in both domestic and international terrorist incidents. In domestic terrorism incidents, the OVC Director is authorized to use the reserve funds to supplement existing grants to state crime victim compensation and assistance programs, to provide funds to U.S. Attorneys' Offices for use in coordination with the state programs, and to provide emergency relief to terrorism and mass-violence victims. In international terrorism incidents, the OVC Director can supplement grants to state crime victim compensation and assistance programs to provide compensation and assistance to state residents who are victims of terrorism while outside the United States. OVC has used emergency reserve funds to provide supplemental grants in support of victims of the Oklahoma City bombing, the Khobar Towers bombing, the bombing of Pan Am Flight 103, the bombing of the United States embassies in Kenya and Tanzania, and the Columbine High School shooting incident. The Antiterrorism and Effective Death Penalty Act of 1996 also contained a provision requiring state crime victim compensation programs to include in their compensation programs state residents who are victims of terrorism while outside of the United States.

Although the 1996 amendment adding 42 U.S.C. § 10603b to VOCA created a new capability for OVC to provide funding to assist victims in both domestic and international terrorism and mass-violence cases, in practice, the limits of section 10603b's language have caused difficulties in providing funding effectively. The statute's limitations on the recipients of grants, the types of relief that could be funded, the timeframe covered, and problems inherent in sending victims from the same event to a multitude of different state compensation programs have seriously affected OVC's ability to provide effective funding support for terrorism victims. To overcome these restrictions in specific cases, Congress passed special legislation broadening OVC's authorization to provide additional assistance to victims of both the Oklahoma City bombing and the bombing of Pan Am Flight 103. Currently, Congress is considering legislation that would expand OVC's authority to provide funding from the emergency reserve fund in the future. The proposed legislation would also authorize OVC to develop and administer a compensation program for victims of international terrorism.

Victims' Rights During the Criminal Justice Process

Under federal law, U.S. Government agencies involved in investigating and prosecuting crime have certain responsibilities to crime victims. In addition, since 1983, the U.S. Department of Justice has maintained policy guidelines called the *Attorney General Guidelines for Victim and Witness Assistance*, which establish how the Department expects its employees to treat crime victims and witnesses. During the investigation and prosecution of the Oklahoma City bombing case, the FBI and the United States Attorney's Office operated



under the guidance of the 1995 edition of the AG *Guidelines*, which contains a "best efforts" standard. Under that standard, the government agencies were required to use their best efforts to see that victims were accorded statutory rights and services. The rights and services included identifying the victims; providing them with referral information for medical, psychological counseling, compensation, and restitution matters; providing them with information about the status of the criminal investigation and later the prosecution of the criminal case against the suspects; facilitating victim participation in the criminal case through trial attendance; and presenting impact information during the sentencing.

In January 2000, the Attorney General issued a new, revised edition of the AG *Guidelines* that makes it clear that some of the statutory victim services are mandatory. Thus, federal law enforcement personnel must (1) identify the victims of a crime; (2) provide the victims with referral information and information about the status of the investigation and the major case events in the prosecution; and (3) arrange for reasonable protection for the victims from intimidation and harassment. The revised AG *Guidelines* also contain several new sections with guidance about how to provide victim services in large cases, new guidance on attorney consultation with victims about major case events including plea bargains, and a new notification provision for posttrial case events. Moreover, the Oklahoma City bombing case led to two new laws establishing enhanced victim rights in federal criminal cases, which have been incorporated into the 2000 AG *Guidelines*.

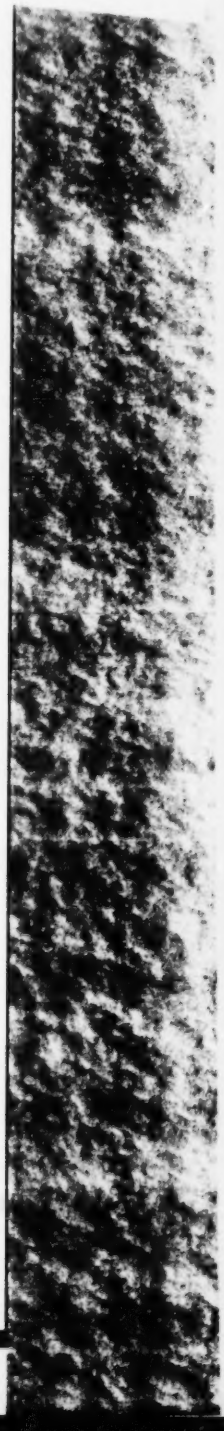
First, the Oklahoma City bombing victims lobbied Congress for the right to attend the trial if the victim would be a witness only during the sentencing phase of the trial. Judge Matsch had ruled that victims who were providing impact information at the sentencing hearing were barred from watching the trial. In response, Congress passed 18 U.S.C. § 3510(a), which gives federal crime victims the right to attend the trial regardless of whether the victim intends to make a statement or provide any information in relation to the sentence. Second, because the venue of the Oklahoma City bombing trial was changed from Oklahoma City to Denver, the victims lobbied Congress to allow closed-circuit televising of the trial to an auditorium in Oklahoma City so that victims did not have to travel to Denver to exercise their right to observe the trial (see 42 U.S.C. § 10608). These new provisions are also included in the revised AG *Guidelines* and will improve victim rights and services in future terrorism cases.

Privacy Act

Confusion about the coverage of the Privacy Act resulted in several agencies' refusal to forward lists of victims to federal law enforcement agencies, and that significantly impeded Federal Government agencies' ability to provide victims with legally required rights and services. In the immediate aftermath of the bombing, the American Red Cross had the lead role in assisting the victims and gathering information about the identities of the victims. When the Federal Bureau of Investigation and the U.S. Attorney's Office asked ARC for a list of victims, to comply with federal law that requires law enforcement to identify the victims of the crime, ARC declined to provide the information, citing its belief that the Privacy Act, which generally prohibits government agencies from disclosing records about an individual without that individual's consent, prevented ARC from turning the information over to federal law enforcement officials (see 5 U.S.C. § 552(a)). It is unclear whether ARC is a government agency covered by the Act.[21] Moreover, the Privacy Act contains a clear exception allowing agencies to transfer personal records for investigative purposes

> to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought. [5 U.S.C. § 552a (b)(7)]

The delay in providing the list was a major setback to both FBI and U.S. Attorney's Office efforts to identify victims and provide them with legally mandated rights and services. To address this problem in the future, ARC, National Transportation Safety Board (NTSB), FEMA, and U.S. Justice Department components (FBI, EOUSA, and OVC) have entered into memoranda of understanding (MOUs) to enable coordination and the immediate transfer of victim information. Those MOUs are currently under review to ensure that the Privacy Act issues are addressed and completely resolved in advance of any future terrorist event.



Chapter VII

Recent International Terrorism Cases

Since the bombing of the Murrah Building, OVC has been directly involved in providing assistance to victims in several international terrorism events affecting American citizens. OVC became involved in these cases at different stages, and each case presented unique issues and challenges. In one case, special legislation was passed to enable OVC to provide the assistance needed by victim families. The following are examples of the types of assistance OVC has provided in recent major terrorist cases.

Bombing of Khobar Towers, Saudi Arabia, June 1996

- OVC worked with the FBI to fund and organize a 2-day briefing for victim families in December 1998. The briefing provided families with information about the status of the investigation and about victim assistance resources. In addition, U.S. Department of Defense representatives were on hand to answer questions about military benefits and autopsy issues.
- OVC provided funds to the U.S. Attorney's Office for the District of Columbia to operate a toll-free telephone line for surviving families and injured victims and to provide a part-time victim specialist to maintain contact with victims.
- OVC developed a special resource handbook and mailed it to victims.

Bombings of United States Embassies, Kenya and Tanzania, August 1998

- OVC provided onsite assistance to the U.S. Department of State when the families of victims traveled to Washington, D.C., for the arrival of the bodies of their loved ones.
- OVC transferred Emergency Reserve Funds to the U.S. Department of State to assist victims with emergency needs, such as uncompensated medical expenses and funeral and transportation costs, and to pay the salary of a temporary person to serve as liaison with victims.
- OVC provided funding and staff assistance to sponsor a 2-day informational briefing in Washington, D.C., in May 1999, for injured victims and families of deceased victims.
- OVC provided staff assistance to help identify resources and coordinate requests for crime victim compensation and other services for individual victims with available programs in their states.
- OVC provided technical assistance and funding to the U.S. Attorney's Office for the Southern District of New York for victim assistance during the upcoming trial.

Bombing of Pan Am Flight 103, Lockerbie, Scotland, December 1988

When Pan Am Flight 103 was bombed in 1988, few traditional victim assistance resources were available to Americans who were victimized outside the borders of the United States. Almost 12 years after the crime occurred, the trial of two men accused of the bombing began in a special Scottish Court in the Netherlands under unique circumstances. In April 1999, the Attorney General asked OVC to provide assistance to the victim families during the trial, and Congress passed

special legislation, in May 1999, to enable OVC to use Emergency Reserve Funds for this purpose.

Although the case was to be prosecuted in a Scottish Court under Scottish law, the U.S. Department of Justice and other federal agencies provided a great deal of assistance. OVC's assistance was viewed as a significant contribution to the trial. By establishing a unique partnership with the Scottish police, prosecutors, and court personnel, OVC ensured that the information and assistance provided to the families was appropriate. OVC coordinated with Scottish authorities to assist Pan Am Flight 103 victims and families in many ways.

"Even with passage of time, the loss of my brother still is felt deeply by all of us. Your efforts in keeping us informed about the Pan Am 103 prosecution and arrangements are greatly appreciated. Your efforts have been a reminder that there are people in Washington who also have not forgotten and who are working hard to see that some measure of justice is obtained and that the families of the victims are included in the process."

—Brother of Pan Am Flight 103 victim

- OVC created a comprehensive database containing updated contact information for almost 700 family members of the 270 victims.
- OVC established an international, toll-free telephone assistance and information line accessible from the 16 countries where victim families are located.
- OVC provided funding assistance and coordination for case briefing meetings held for victim families prior to the trial. Meetings were held in Washington, D.C.; Dumfries, Scotland; and London, England.
- OVC set up a secure information Web site, from which victim families can access updated information about the case, including summaries of daily proceedings and full court transcripts; an "electronic scrapbook" of archival information on the bombing and the victims; information about victims services; and a discussion forum for families to communicate with one another.
- OVC developed a trial briefing book for victim families.
- OVC provided funding for onsite support services at the Scottish Court in the Netherlands, including a Crown Office prosecutor to serve as the legal liaison to the families to explain Scottish law and procedure.
- OVC provided funding to create a secure waiting area for victim families at the Scottish Court in the Netherlands.
- OVC provided funding and coordination to the Scottish Court Service to establish four remote sites in the United States and the United Kingdom for closed-circuit viewing of trial proceedings by victim families.
- OVC provided travel assistance for two family members per victim to attend the trial for 1 week in the Netherlands or travel to one of the remote closed-circuit viewing sites.
- OVC established a fund to pay for uncompensated mental health counseling for immediate family members throughout the trial process.

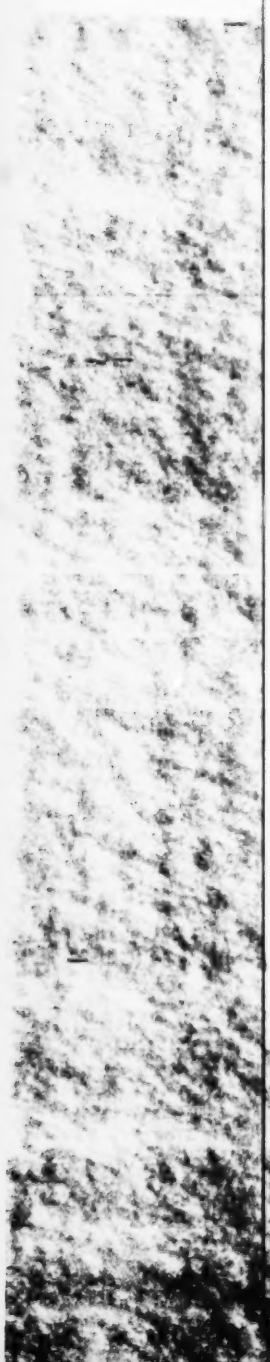
Chapter VIII

Lessons Learned

Victims of violent crime experience a range of needs—physical, financial, emotional, and legal. Victims are entitled by law in this country to certain types of information and support. Although victims of terrorism have much in common with other violent crime victims and with disaster victims, they appear to experience higher levels of distress that are in part due to the unique issues related to the traumatic elements, and often the magnitude, of these politically motivated events. Witnessing the murder of people as they go about the everyday tasks of daily life creates a sense of horror and vulnerability that may last a lifetime. It may also put people at risk for significant and long-term psychological difficulties. A number of factors increase the level of traumatic stress for terrorism victims and present special challenges to victims and to the professionals charged with responding to them:

- The realization that the act and the resulting emotional and physical devastation was an intentional act directed not at individuals but at the government.
- The scope and extent of the physical and emotional damage to victims, the age of the victims, and the defenselessness of the victims.
- The often extraordinary financial cost of the damage and losses associated with the crime.
- The duration of the event, including the length of time it took to rescue the injured, to identify victims, and to recover and release victim remains, and the inability to recover the remains of some victims.
- The extent of the intrusiveness of news coverage, especially the repetitive publication or broadcast of disturbing visual images.
- Speculation about the perpetrators, motivations, and the capacity of official agencies to have prevented the act.
- The involvement of the criminal justice system, especially when the process is significantly delayed, or is lengthy and convoluted, or when a trial is held in another region or country.
- The difficulty in obtaining information about compensation, services, and the investigation in cases where the event occurred outside the boundaries of the United States and/or involve many victims from many different geographical locations.
- The difficulty in identifying and taking into custody perpetrators, particularly in crimes that occur outside the United States.
- The difficulty in finding victim services and mental health professionals with experience and expertise in dealing with the issues and needs related to terrorism victimization.

Like other victims of violent crime, victims of terrorism need help in handling the crisis created by the terrorist event, in stabilizing their lives, and in dealing with the criminal justice process, whether there are an arrest and a trial or an arrest and a trial are delayed for years. Because each victim's coping abilities and support systems are different and his or her loss is individual, the needs of individual victims may vary. A process should be in place to help victims assess their specific needs and find appropriate sources of help and support. Most victims will be able to function and stabilize after a period of time with moderate assistance, but a percentage of victims will continue to need assistance for years after the event.



Many people were involved in identifying the lessons learned in the wake of the Oklahoma City bombing: the U.S. Attorneys' Offices for the Western District of Oklahoma and the District of Colorado, Project Heartland, Colorado Oklahoma Resource Council, Critical Incident Workshop Group, Inc., and the Oklahoma State Crime Victim Compensation Program. The experiences and lessons learned from the Oklahoma City bombing were echoed in the responses to the terrorism cases that have occurred since 1995. The lessons learned along the way were taught by victims, victim advocates, criminal justice professionals, mental health professionals, clergy, the media, and outside observers and include the following:

1. An effective response to victims of terrorism is dependent upon prior planning and coordination. Understanding the needs of victims, clarifying the roles of responders, and building trust among responding agencies are essential to developing and implementing workable and effective interventions with victims.

2. The victim population must be broadly defined to include not only the primary victims and their families, but also first responders and rescue workers, law enforcement, clergy, victim assistance personnel, and others who are exposed to traumatized victims.

3. Identifying, setting aside, and effectively managing resources are key to providing a comprehensive response. Encouraging cooperative efforts between the public and private sector can maximize resources, leverage expertise, and build a stronger sense of community support.

4. State and federal laws mandate that certain rights and services be afforded to victims. Agencies and individuals charged with responding to terrorism must be familiar with what the law requires.

5. Victims of terrorism are considered victims of a federal crime, but there may be many different agencies at different levels of government involved in the response. Coordination among federal, state, and local agencies is critical to effectively addressing the needs of victims of terrorism.

6. Victims must be identified quickly and given access to information and services.

7. Services and support must be victim sensitive and easily accessible.

8. Cases involving large numbers of victims require special measures to ensure that adequate information and support to all victims is provided in a timely and effective manner. Creative application of existing technology, such as Web sites, may help overcome challenges presented by large numbers of victims who are scattered geographically.

9. The impact of terrorism is not limited to physical injury and property damage. Consideration and resources must be given to the emotional and psychological impact of terrorism, and decisions must be made early in the process regarding the delivery of appropriate mental health services to victims and responders, e.g., who is responsible for funding, for how long, and what should be the qualifications of those providing the services.

10. Victim notification about and participation in the criminal justice process is an important aspect of how many victims come to terms with the criminal event.

The above lessons form the basis for the following policy recommendations made to help improve future responses to acts of terrorism. A more prepared response to terrorism will provide for the needs of victims not only in the immediate aftermath of the crime but also during the judicial process and following the final case disposition.

Chapter IX

Policy Recommendations

Unfortunately, the Oklahoma City bombing in 1995 was not the last act of terrorism involving Americans. It was followed by the 1996 bombing of the Khobar Towers United States military barracks in Saudi Arabia, the 1998 bombing of the United States embassies in Kenya and Tanzania, and the murders of two Americans as part of a terrorist attack in Uganda. Lessons were learned in response to these acts of terrorism along with those drawn from the trial of two Libyans charged with the 1988 bombing of Pan Am Flight 103. Lessons from these later experiences in addition to those from the Oklahoma City bombing combine to frame a more complete and informed set of policy recommendations about responding to victims of terrorism.

State and Local Victim Assistance

Recommendation 1

State and local authorities developing domestic emergency response plans should consider applicable legal requirements regarding the rights of crime victims and should include victim services representatives in planning and testing response protocols.

Discussion

A number of efforts are ongoing involving federal, state, and local authorities to ensure that communities are in position to respond to terrorism. State and local agencies should identify victim compensation and assistance resources available at the local, state, and federal levels to assist in responding to acts of terrorism. OVC is working with the Office for State and Local Domestic Preparedness Support (OSLDPS) to coordinate the development of training and other tools focused on assisting victims. In addition, OVC and the U.S. Department of State have been working with an interagency task force to develop protocols for responding to victims of terrorism that occurs outside the borders of the United States.

Recommendation 2

Whenever possible, responding agencies should take steps to avoid unnecessary delays in death notification and the release of victim remains to families and to handle notification in a sensitive manner.

Discussion

The processes of recovery and identification of remains may be extremely difficult and prolonged in terrorism crimes with mass casualties. Evidence has to be gathered for the investigation and may further delay the process, causing frustration and anger on the part of grieving families. The guiding principle should be to provide as much information as possible without jeopardizing either the accuracy of the identification or the evidence-gathering process. Death notification should be handled by professionals with training and experience. Whenever possible, surviving families should be consulted and their wishes honored concerning issues including whether to view the remains of their loved ones, how to inter human tissue that cannot be identified, and the timing of official ceremonies and memorial services.

Recommendation 3

In the immediate aftermath of a terrorism disaster, local officials should consider establishing a centralized "compassion center" where victims can go for information, crisis counseling, and privacy.

Discussion

In addition to addressing comfort and privacy needs of victim families, officials need to be able to quickly reach families to obtain critical information necessary for identification and handling of remains and for the investigation. The creation of a victim information center may have benefits for both victims and responding agencies.

Recommendation 4

Mental health services should be made available in the immediate aftermath of a terrorist act, and plans should be made for assessment and long-term provision of services for victims and responders.

Discussion

The response of mental health providers to terrorism victims and responders incorporates the following points:

- Service providers should be screened, trained, and certified in the provision of mental health services to victims of human-caused disasters.
- Mental health services should be culturally sensitive and address diverse needs, beliefs, and lifestyles of all affected victims.
- Mental health services should provide for immediate needs and long-term needs. Immediate needs may include services provided by a trained counselor or chaplain during death notification at a hospital or at a compassion center whereas long-term needs may be served at a special, nontraditional counseling center for victims.
- Crime victims compensation programs should have guidelines for funding mental health services and should make the process as simple and accessible as possible.

The Office for Victims of Crime and the Center for Mental Health Services (CMHS) at the Substance Abuse and Mental Health Services Administration (SAMHSA) are working together to develop materials and training for community mental health providers about the impact of victimization and effective models for treating victims and responders. Experience with violent victimization and terrorist incidents have shown that mental health services need to be in place for years, especially if the criminal justice process is ongoing. States should allocate funding for these services and maximize public and private resources for providing mental health services.

Recommendation 5

Application requirements and processing of crime victim compensation and other types of services should be streamlined and simplified for victims to reduce the burden on victims and to ensure that the process is victim friendly, that assistance is timely, that paperwork is minimal, and that agencies work together and share information.

Discussion

Agencies and organizations that make public and private benefits available to crime victims should develop necessary protocols and procedures to simplify application processes without compromising necessary checks and balances. In addition, they should offer assistance in completing forms and coordinate benefits to victims and survivors. Within the *Guide to Responding to Mass-Casualty Incidents*, members of the National Association of Crime Victims Compensation Boards (NACVCB) have included a special protocol for handling compensation claims for victims of terrorism cases. Agencies and organizations should consider establishing contractual relationships with service providing entities such as hospitals, funeral homes, and mental health providers to facilitate direct billing whenever possible, thereby relieving the victim of additional and often confusing paperwork.

Recommendation 6

Local, state, and federal agencies responding to victims of a terrorist act should consider establishing an "unmet needs" committee or task force that includes private organizations to ensure that the needs of victims are identified and addressed and that all of the available resources are coordinated and used on behalf of victims.

Discussion

In addition to creating a special task force to review unmet needs and coordinate resources in the aftermath of a terrorist incident, the NACVCB's *Guide to Responding to Mass-Casualty Incidents* recommends that state compensation programs consider establishing an advisory group to create a directory of resources with local, state, and national information about benefits and services available to victims of crime and mass disaster

Recommendation 7

States should consider establishing an emergency fund or a process by which emergency funds can be quickly allocated to respond to cases of terrorism. This fund would pay for expenses that are not reimbursable by the state crime victim compensation program and federal assistance funds.

Discussion

The Oklahoma state legislature enabled the Oklahoma Crime Victim Compensation program to accept public and private donations to create a special fund to provide compensation and assistance to the bombing victims and surviving family members. The program was also given the flexibility to pay lost wages and cover grief counseling for family members of the victims. The creation of this special fund enabled the Oklahoma Crime Victim Compensation program to help victims with expenses not traditionally covered by the program. Policymakers should determine in advance if legislation is required to establish a special fund, what kinds of additional expenses will be covered by the fund, how much funding should be held in reserve, and what financial resources are available to support special fund efforts.

Recommendation 8

Agencies serving victims should work together to develop protocols for recruiting, screening, training, and supporting volunteers who work with terrorism victims and their families.

Discussion

To avoid confusion and conflict in the aftermath of a large-scale terrorism incident, guidelines should be developed ahead of time that determine which volunteers will be utilized, minimal qualifications and training of volunteers, and volunteer documentation. Qualified mental health professionals should be teamed with victim advocates and present at all sites serving terrorism victims. Because a terrorism event may include the elements of a large-scale disaster and criminal victimization, greater efforts should be made to link ARC staff and volunteers with victim assistance professionals and volunteers. Each brings critical areas of knowledge and expertise to the victim response. OVC should host a series of regional training events that bring together victim assistance professionals and other professionals and volunteers working in disaster relief.

Recommendation 9

States should ensure that their citizens who become victims of terrorism while traveling outside the borders of the United States are eligible for crime victim compensation and services, and the unique needs of these victims should be considered in deciding what crime-related expenses are allowable.

Discussion

A crime that occurs in a foreign country often presents unique challenges to victims and victims' families or can exacerbate situations typically faced by most victims. These factors may include the cost of emergency overseas travel for families to go to the victim or for the victim to return home, emergency medical costs in countries where payment is expected instead of insurance, the cost of transporting bodies, legal assistance in a foreign country, and the cost of traveling to criminal justice proceedings.

Federal Victim Assistance

The Federal agencies charged with responding to acts of terrorism, both domestically and abroad, should develop detailed protocols or a coordinated crisis response plan with the Office for Victims of Crime to ensure that the rights and needs of terrorism victims are adequately supported.

Recommendation 1

Investigators, prosecutors, victim-witness coordinators, and court personnel should receive training on basic victims' rights laws and services.

Discussion

The *Attorney General Guidelines on Victim and Witness Assistance* provides a basis for training on legal requirements. Supplemental training should include basic information on the mental health consequences of victimization and available resources and services for victims.

Recommendation 2

The FBI should ensure that plans and resources are in place to keep victims informed of the status of the investigation and case events and that agents can provide information and referrals to victims for compensation and services.

Discussion

Investigative agencies such as the FBI have responsibility for responding to victims of terrorism until charges are filed, at which time the responsibility transfers to the relevant U.S. Attorney's Office. Whenever possible, victims should be informed of critical case events by the investigative agency before that information is released to the media. The FBI should work closely with the Office for Victims of Crime to coordinate supplemental funding and assistance in dealing with large numbers of victims. In cases of airline disasters, the FBI will need to coordinate with the Family Assistance Program in the National Transportation Safety Board. Cases that occur overseas require coordination with the U.S. Department of State, because that department is charged with taking the lead in the emergency response to terrorism against Americans abroad. Not all terrorism cases will result in an arrest and trial as quickly as these events occurred after the bombing of the Murrah Building.[24] It is not always immediately clear if a mass-casualty event is the result of a criminal act as illustrated by the crash of TWA Flight 800. In addition, cases involving chemical and biological agents may affect thousands of people and create huge challenges for disseminating critical information about the medical impact of exposure, safety, and availability of services.[25]

Recommendation 3

Federal agencies need to ensure that identification of victims and access to victim contact information are established and maintained.

Discussion

The FBI, EOUSA, and OVC should work with ARC, NTSB, and others to ensure that victim contact information is available to responding investigative and prosecuting agencies in a timely fashion. Privacy laws intended to protect victim information from public disclosure or inappropriate uses should not be used to withhold victims' names and contact information from the criminal justice agencies charged by federal law with providing rights and services to crime victims. Privacy Act issues should be addressed prior to an act of terrorism through MOUs or as part of a coordinated crisis response plan. Providing victim contact information to a law enforcement agency is a crucial exception to the Privacy Act.

Recommendation 4

Federal agencies should maintain a "fly-away" team of victim assistance experts, including an OVC representative, to provide onsite support and technical assistance in developing the response to terrorism victims.

Discussion

OVC has identified individuals in federal and state agencies and nonprofit programs with knowledge and expertise in working with mass-casualty and violent crime victims. Also, OVC has identified people with the capacity to activate or locate funding and other resources to assist communities in coping with a criminal disaster. OVC may be able to use VOCA funds to help support the cost of support teams for immediate assistance and ongoing technical assistance.

Recommendation 5

Prosecuting offices should establish mechanisms to ensure that victims are kept informed of case events, ongoing services, and support throughout the trial process.

A. U.S. Attorneys' Offices should appoint an Attorney Liaison as an advisor for victims and the trial team. Prior to the trial and during the trial, the Attorney Liaison should maintain regular contact with victims to ensure that they understand the prosecution process.

B. Victims should have the opportunity to meet with the trial team on a periodic basis to ensure that prosecutors fulfill the requirement to use their best efforts to consult with victims about major case events and make

reasonable efforts to consult about proposed plea bargains.

C. Prosecutors and victim-witness coordinators should ensure that plans are in place to enable as many victims as possible to participate in court proceedings. In addition, a mechanism should be in place for providing victim impact information at sentencing in the event of a guilty plea or verdict.

Discussion

Prosecutors and victim-witness coordinators are required to follow the AG *Guidelines* to ensure that they are in compliance with federal laws and U.S. Department of Justice policy regarding victims. Cases involving large numbers of victims and victims living in many parts of the country or the world may require special funding and the development of creative measures. Offices may consider tools such as toll-free information lines, special Web sites for victims, and the development of specific information guides for keeping victims informed of case events and for providing information about services.* Prosecutors should work with the court to facilitate victim participation. Large numbers of victims may pose challenges for enabling victims to present victim impact information at sentencing. Prosecutors should work with the victims to develop a plan that will allow as many victims as possible to present their information orally or in writing.

D. In cases where there is a change of venue, prosecutors should work with the court to ensure that reasonable efforts are made to make a closed-circuit telecast of the trial available to as many victims as possible, to identify resources for travel assistance, and to identify and put into place support for victims in the community in which the trial is being held.

Discussion

Facilities for closed-circuit viewing by victims should be designed or selected with sensitivity to the needs of victims for privacy, reasonable comfort, and safety. Resources for victims' travel may come from private or public funds. In the Oklahoma City bombing trials, a site was established in Oklahoma City for victims to view the trial, whereas four sites were established for victim families in the Pan Am Flight 103/Lockerbie trial, since victim families resided in 21 countries and 48 states. Assistance with victims traveling to the Oklahoma City bombing trials and the Pan Am Flight 103 trial received funding support from OVC because Congress passed special legislation enabling OVC to use VOCA funds to support these activities. The Denver community established an effective and extensive network of support for the Oklahoma City bombing victims traveling to the trial. In the case of the Pan Am Flight 103/Lockerbie trial, which is being held in the Netherlands, OVC has been able to provide funding for victim support staff and station them at the special court and to create a secure family waiting area in the court building.

E. When a terrorism act results in multiple trials, prosecutors and victim assistance professionals should coordinate their activities to reduce the demands and stresses on victims, surviving families, and witnesses.

Discussion

Maintaining consistent communication between prosecutors and victim assistance professionals will help reduce confusion and duplication of efforts and ensure that the needs of both victims and the trial prosecutors are met in a timely manner.

Recommendation 6

The U.S. Department of Justice should assist victims with media requests by providing a media liaison with expertise in working with victims to reduce unnecessary trauma to victims and to ensure that journalists have access to the information they need to cover the story without negatively affecting victims.

Discussion

High-profile cases, such as terrorism cases, elicit intense media attention. The following issues must be considered when giving media what they need without overwhelming victims or violating their privacy and freedom of movement:

- Coordination of large numbers of requests for information from the media.
- Protection of victims who do not wish to interact with the media.
- Assurance of accuracy of reports.
- Assurance of sensitive and fair treatment of victims.

Recommendation 7

Federal court personnel should have policies and procedures that reflect current law and relevant court decisions affecting victim participation in judicial proceedings.

Discussion

New statutes were passed in the wake of the Oklahoma City bombing, and there have been changes related to restitution and other victim-related issues. OVC is supporting a project by the National Center for State Courts to develop a bench book for state and local judges and court personnel on victim participation in court proceedings. The federal courts should consider developing a similar bench book or include victim issues in the standard bench book already in use.

Recommendation 8

The U.S. Department of Justice should develop and implement a plan for support and assistance to minimize the vicarious trauma impact on investigators, prosecutors, and victim assistance personnel who are directly involved with primary victims.

Discussion

Being involved in a mass-casualty terrorism case is an intense experience at physical, emotional, and psychological levels. The closer an individual works with traumatized victims, the more likely he or she will experience secondary trauma. Agencies ask a great deal of employees who handle these cases, and they should ensure that assistance and support is available to their employees. Efforts should be made to provide information about vicarious trauma to personnel and supervisors, and mechanisms should be enacted that enable personnel to access assistance without fear of adverse impact on employment. Supervisors should work with affected employees to develop appropriate plans to help employees "reenter" their regular job once their responsibilities for the terrorism case are completed. Employee Assistance Programs should work closely with federal supervisors and managers to identify appropriate steps for employee reintegration into the workplace, with special attention given to the types of assignments, the work environment, and timing.

Recommendation 9

Federal agencies whose employees may be targeted by acts of terrorism, including those with embassies and installations abroad, should have information and procedures for responding to employee victims and their families. Information about various benefits and the processes for obtaining those benefits should be streamlined.

Discussion

OVC and the U.S. Department of State are cochairing an interagency task force to address the complex needs of victims of terrorism abroad. One of the tasks identified by this group is to improve access to information and coordination among agencies related to employee benefits.

Recommendation 10

Federal agencies with funding for victim support and mental health services should determine which types of services and for what length of time they will provide funding support for these services to state and local agencies.

Discussion

Federal agencies need to develop an appropriate plan for supporting assistance to victims of terrorism that takes into account the long-term needs of these victims and the need for significant investment in services by the affected state and local jurisdictions. Federal agencies should coordinate funding and services and ensure that the effectiveness of the services is evaluated. The FEMA–CMHS approach to providing mental health services in the aftermath of presidentially

declared natural disasters is a good model to follow and adapt to the specific needs of victims of human-caused disasters. CMHS and OVC are working together to assist state mental health agencies and other providers in training and maintaining a staff of experienced individuals who are trained in trauma resulting from terrorism.[27]

Recommendation 11

The Office for Victims of Crime should ensure that responding criminal justice and emergency response agencies are aware of the existence of OVC's Emergency Reserve Fund and the ability of OVC to assist in coordinating services and information for victims of crime.

Discussion

In the immediate aftermath of an act of terrorism, OVC staff should contact the responding agency as soon as possible to establish a point of contact, to provide technical assistance, and to provide special or supplemental funding if required. Congress should consider amending the statute authorizing the use of the reserve fund for terrorism cases to enable the funds to be provided to a wider range of agencies, including the FBI, NTSB, and the U.S. Agency for International Development, and to use the funds to cover a broader range of services, including emergency travel expenses, mental health services, and trial support.

Chapter X

Conclusion

The Oklahoma City bombing experience provided a closeup view of the devastation of terrorism. It severely tested the effectiveness of victims' rights laws and policies, the adequacy of resources for victims of terrorism, and the capacity of victim services networks. The Oklahoma City experience was a step in developing a more effective crisis response plan for victims and their families. The bombing has been the impetus for congressional hearings; passage of special funding legislation for victim relief; the confluence of experts in emergency preparedness, medical and mental health, victim assistance, and other fields to examine their crisis response capacity and plans; training development; and identification and coordination of resources.

Many of the lessons learned from the Oklahoma City bombing response have helped shape the response of federal, state, and local officials in other cases of terrorism including the school shootings at Columbine High School and the terrorist attacks on Khobar Towers and the United States embassies in Kenya and Tanzania; these lessons have also been wed during the preparations for the trial concerning the bombing of Pan Am Flight 103. Involvement in these subsequent cases has significantly added to a knowledge of what needs to be done to assist the victims of terrorism. This knowledge has come not only from those involved in responding to victims but also from the victims themselves who have shared their painful experiences so that lessons could be learned and their losses would not be in vain.

Now that terrorism has crossed the borders of the United States, it poses a very real threat within the United States while continuing to be a threat to Americans abroad. The goal of terrorism is not just to kill people but to send a message to the public and to the government. The devastating impact of a single act of terrorism can last for generations. Federal, state, and local governments must be prepared to respond to all aspects of terrorist acts, including finding ways to mitigate the physical, emotional, and psychological impact on victims and those professionals who are charged with responding to these terrible crimes.

The recommendations presented in this report are not comprehensive, but they are intended to be practical and useful steps that will help refine and improve the crisis response to terrorism. Public officials at all levels of government can implement these recommendations to ensure that this Nation's communities and agencies are better equipped to respond to the victims of future acts of terrorism.

Notes

1. Interview with Ray Blakeney, Director of Operations for the Office of the Chief Medical Examiner, State of Oklahoma, April 19, 2000.

2. Some officials observed that the arrival of OVC-sponsored crisis intervenors came too soon after the explosion and recommended agencies delay this kind of assistance until the immediate rescue effort is completed.

3. The defense argued that an unidentified leg could have belonged to the perpetrator. The leg was later identified as belonging to one of the victims.

4. The Employee Assistance Program at the U.S. Department of Justice has now developed Peer Support Team Training including a section on Critical Incident Trauma.

5. After the suicide of a colleague, some employees took advantage of Project Heartland's counseling and debriefing resources.

6. Christy Prietsch, Administrator, U.S. Attorneys Employee Assistance Program.

7. Under its own guidelines, FEMA could only provide funding for crisis response services in the presidentially declared disaster area and for a limited period of time. FEMA funds could not be used for trial support.

8. OVC's grant, awarded on March 11, 1997, funded crisis counseling during the trials at the Safe Haven in Oklahoma City and the Safe Haven in Denver, operated by the Colorado Oklahoma Resource Council, including volunteer training. Project Heartland staff also assisted U.S. Attorney's Office staff in debriefing prosecution witnesses when they completed testimony.

9. According to 42 U.S.C.10607(e)(2): "the term 'victim' means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including (A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and (B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference): (i) a spouse; (ii) a legal guardian; (iii) a parent; (iv) a child; (v) a sibling; (vi) another family member; or (vii) another person designated by the court."

10. Because the bomb blast made the 26-story apartment building unstable, all residents were forced to move to hotels for 6 months. Many were elderly and disabled, and most knew parents or grandparents of children killed in the explosion. Following several other attempts, Project Heartland initiated a support group for residents. On completion of renovations, all Project Heartland staff helped tenants move back to their apartments.

11. Under a later Interagency Agreement (March 4, 1997) between EOUSA, OVC, and the FBI, EOUSA agreed to "assign its personnel and/or Victim-Witness Coordinators from other USAs' [U.S. Attorneys'] offices to assist with victim services on location at the discretion of the USA" in the case of a catastrophic event. OVC agreed to provide financial and technical support for emergency victim services and to "commit staff time and funds necessary to enable the staff of the U.S. Attorney's Office and the FBI to receive onsite technical assistance."

12. Assistant United States Attorney K. Lynn Anderson.

13. To protect victim privacy and avoid any possibility of tainting the jury pool, the U.S. Attorney's Office in consultation with Project Heartland recommended against private-housing offers.

The Travel Committee supported the recommendation by issuing a press release on the victims' need for privacy while attending the trial.

14. Agencies making up CORC were Catholic Charities, Church of the Holy Ghost, City of Denver, Colorado Council of Churches, Colorado Division of Criminal Justice, Colorado Organization for Victims' Assistance, Denver District Attorney's Office, Denver Victims Service Center, Downtown Denver Partnership, Denver Federal Executive Board, Governor Roy Romer's Office, Lutheran Family Services/Lutheran Disaster Response, Mayor Wellington Webb's Office, Mile High United Way, American Red Cross, District Attorney's Victim/Witness Programs, and Volunteers of America. The U.S. Attorney's Office for the Western District of Oklahoma participated in an advisory capacity.

15. With judicial approval established, the Attorney Liaison and Colorado District Court Clerk convened FAA representatives, judicial administrators, U.S. Marshals Service representatives, media representatives, Judge Perricone, and others to plan logistics including security, meals, privacy, and mental health needs during the broadcasts. Later meetings on mental health support took place with FAA staff, Safe Haven and Project Heartland counselors, and victim-witness coordinators. Planning involved both facilities—the CCTV site in the auditorium and the Safe Haven. The Attorney Liaison also participated in training programs for the mental health and community volunteers who would staff the FAA Safe Haven.

16. In establishing the four remote court sites in the Pan Am Flight 103/Lockerbie trial, the issue about the quality of the transmission of the trial broadcasts was addressed by using a high band width, positioning six movable cameras in the courtroom, and using an audio-visual director to choreograph the detailed images appearing on the screen.

17. "Secondary" and "tertiary" victims include social service and mental health professionals; volunteers; fire, police, and other emergency response-and-rescue personnel; colleagues and friends; attorneys who worked with witnesses and sifted evidence; medical personnel; victim advocates; clergy who consoled victims and officiated at many funerals; schoolteachers; and children whose belief in a safe future was shattered. The circle of those affected also includes jurors, dentists with identification responsibilities, bomb technicians, morgue workers, technical investigators, National Guard members, reporters, photographers, construction workers, and the larger community of Oklahoma City. From June 1, 1995, to February 29, 1998, an unduplicated count of 8,869 persons received counseling, support group, or crisis intervention services.

18. According to the National Institute of Mental Health (Faberow and Frederick, 1978), there is also a fifth and final stage, the "recovery" stage, where life has returned to a state of normalcy and victims draw strength from the fact that they have survived and were able to mend their lives.

19. Interview with James Horn, Critical Incident Workshop Groups, Inc.

20. Interviews with James Horn, Diane Leonard, and Col. Jack Poe, Critical Incident Workshop Groups, Inc.

21. Interview with K. Lynn Anderson, Assistant U.S. Attorney.

22. In 1996, Congress passed the Mandatory Victim Restitution Act, which requires Federal Courts to award restitution for most crimes defined in title 18 U.S.C.

23. The Privacy Act only covers Federal Government agencies defined as "any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the [Federal] Government (including the Executive Office of the President), or any independent regulatory agency" (5 U.S.C. § 552a(1)). Private organizations that have many "links" to the Federal Government are not covered by the Privacy Act (see *Dong* v. *Smithsonian Institution*, 125 F.3d 877, 879–80 (D.C. Cir. 1997), cert. denied, 524 U.S. 922 (1998) (Smithsonian Institution)).

24. The hijacking of an Egypt Air jet and the bombing of the U.S. Embassy in Indonesia in the mid-1980s each took more than 10 years to come to trial. The trial of two men accused of the Pan Am Flight 103 bombing in 1988 finally began in May 2000. To date, there has not been an arrest in the bombing of Khobar Towers.

25. It is probably unrealistic to expect that the FBI or OVC maintain staffing resources to cope with either short-term or extended efforts to provide information to large numbers of victims. NTSB contracts with a private company that specializes in crisis response, has the ability to quickly establish and maintain a toll-free victim assistance hotline, and provides ongoing notification. The FBI and OVC should consider utilizing the same type of resources in terrorism cases, particularly when the victims are not from one geographic region.

26. The case of Pan Am Flight 103 is an example of how to keep informed large numbers of victims who are scattered geographically. A secure, informational Web site was established for the families of Pan Am Flight 103/Lockerbie victims to provide them with daily trial summaries and other related information.

27. CMHS, SAMHSA, U.S. Department of Health and Human Services, developed a report, *Human-Caused Disasters: Recommendations for the Crisis Counseling and Assistance Program* (Center for Mental Health Services, ND). This report contains important and detailed recommendations for improving the mental health response to victims of terrorism and other human-caused disasters. OVC staff participated in the development of the report.

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Interviewees

Gwen Allen, Executive Director, Project Heartland

K. Lynn Anderson, Assistant U.S. Attorney, Western District of Oklahoma

Ray Blakeney, Director of Operations, Office of the Chief Medical Examiner, State of Oklahoma

Robin Finegan, Director, Colorado Oklahoma Resource Council

Krista R. Flannigan, Director, Colorado Oklahoma Resource Council

James M. Horn, Director, Forensic Behavioral Science Consulting/Training

Diane Leonard, widow of bombing victim and Former Administrator, Critical Incident Workshop Groups, Inc.

Jack Poe, Chief of Chaplains, Oklahoma City Police Department

Steve Siegel, Director of Program Development, Denver Victim Assistance and Law Enforcement Board

Linda Wagner, Psychologist, Project Heartland

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